

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, April 22, 2003, at 6:46 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; Fire Chief, Keith Osborn; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; Real Property Agent, Armando Morales; City Attorney, John Shaw; and City Clerk, Ruth Smith.

APPOINTMENT TO THE HOUSING AUTHORITY (F: H-10.3)

It was moved by Mayor Broadwater, seconded by Councilman Tran, and carried by unanimous vote, that Joseph Lococo be and hereby is appointed to serve as a Commissioner on the Housing Authority.

The City Clerk administered the Oath of Office to Mr. Lococo.

RECESS

At 6:48 p.m., the Mayor declared a recess.

RECONVENE

At 6:55 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

INVOCATION AND PLEDGE

Assistant City Manager Matthew Fertal 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 Fire Chief Cameron Phillips, retiring from the City after 29 years of service, and presented him with a Resolution of Commendation for his dedicated service and leadership. (F: 52.3) (XR: 78.6)

PRESENTATION BY THE ORANGE COUNTY WATER DISTRICT ON THE GROUNDWATER BASIN OVERDRAFT (F: 52.3) (XR: 112.6)

The City Manager noted that this presentation was given to the City Council earlier this year at a study session, and is being presented once again in order to provide an opportunity for the residents to see it at a televised Council meeting.

John Kennedy from the Orange County Water District presented an overview of the groundwater basin management issues and the need for a rate increase to protect the groundwater. He presented options to establish Basin Production Percentage (BPP) and Replenishment Assessment (RA).

Councilman Leyes inquired what impact the 62 to 67 percent would have on the City. Staff responded that the impact would be between \$900,000 and \$1.4 million, which would be about \$1.60 to \$2.60 per month for the average household. Councilman Leyes commented that he is not pleased with the impact on the residents and would like to see water transfer and budgeting put into place.

Councilman Rosen expressed concern that the Water District is acting in isolation without looking at the overall view. Because of the state budget situation, this is a bad time to raise costs to Cities. He suggested the District should wait until at least July to see if the Cities can afford the increases.

Mr. Kennedy noted they have to set replenishment assessments by statute in April.

Further discussion ensued concerning the District reserves.

In response to inquiries by Councilman Tran, Mr. Kennedy responded that the District has cut \$4-5 million from their budget and a hiring freeze has been implemented.

Mayor Broadwater noted that staff will attend the April 23, 2003, Water District Board meeting where the BPP and RA are to be established, and he requested information on the individual Water District Board members' votes on this matter.

Councilman Tran asked staff to provide a progress report on that meeting.

INTRODUCTIONS (F: 46.1)

Mayor Broadwater introduced Boy Scout Troop 288 who was in the audience.

ORAL COMMUNICATIONS – PUBLIC

Larry Bonham addressed the Council concerning Twin Lakes Park, the ecology of the planet, and the importance of having more area for open space and parks. (F: 53.3) (XR: 73.10)

Diane Streich-Harrell addressed the Council concerning parking issues in residential areas adjacent to West Haven Park, noting there are still problems during the weekends and on holidays because most people ignore the “No Parking” signs that are posted. (F: 53.3) (XR: 73.12) (XR: 75.1)

David Vill, president of AARP, addressed the Council, urging the banning of fireworks because of health and safety reasons. Councilman Rosen inquired whether there was a vote of the membership, to which Mr. Vill responded in the affirmative and indicated the national organization has not taken action on this subject. (F: 53.3) (XR: 61.6)

Mark Gassman, representing TNT Fireworks, addressed the Council requesting that in the proposed Fireworks Ordinance, under the “Location of Stands,” the intersection of Magnolia and Westminster be deleted from the paragraph delineating where no stands shall be permitted. (F: 53.3) (XR: 61.6)

Janine Fowler addressed the Council in support of Councilman Rosen’s proposed ordinance to amend the selection of Commission members. (F: 53.3) (XR: 122.1)

RECESS

At 7:55 p.m., the Mayor declared a recess.

RECONVENE

At 8:33 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

RESOLUTION COMMENDING RETIRING FIRE CHIEF FOR 29 YEARS OF SERVICE TO THE COMMUNITY. (F: 52.2) (XR: 78.6)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Resolution commending retiring Fire Chief Cameron Phillips for 29 years of service to the community, be and hereby is approved.

PROCLAMATION – PUBLIC EDUCATION WEEK (83.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that April 20-26, 2003, be and hereby is proclaimed as Public Education Week.

PROCLAMATION – WATER AWARENESS MONTH (F: 83.1) (XR: 112.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that May 2003, be and hereby is proclaimed as Water Awareness Month.

PROCLAMATION – NATIONAL MENTAL HEALTH MONTH (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that May 2003, be and hereby is proclaimed as National Mental Health Month.

PROCLAMATION – DAY OF CELEBRATION OF KOREAN-AMERICAN CONTRIBUTIONS AND ACHIEVEMENTS (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that May 3, 2003, be and hereby is proclaimed as Day of Celebration of Korean-American Contributions and Achievements.

PROCLAMATION – ELKS NATIONAL YOUTH WEEK (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that May 4-10, 2003, be and hereby is proclaimed as Elks National Youth Week.

PROCLAMATION – BRAIN TUMOR AWARENESS WEEK (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that May 4-10, 2003, be and hereby is proclaimed as Brain Tumor Awareness Week.

PROCLAMATION – NATIONAL PUBLIC WORKS WEEK (F: 83.1) (XR: 24.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that May 4-10, 2003, be and hereby is proclaimed as National Public Works Week.

AWARD OF CONTRACT FOR THE INSTALLATION OF THERMOPLASTIC CATCH BASIN MARKINGS AT THE ENTRANCES TO ALL STORM DRAIN OPENINGS (F: 55) (XR: 92.1)

Staff report dated April 22, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that J and S Sign Company, be and hereby is determined to be the lowest acceptable bidder in connection with the Installation of Thermoplastic Catch Basin Markings at the Entrances to all Storm Drain Openings, and that contract for said project be and hereby is awarded to said company in the sum of \$26,525.67, 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.

AWARD OF CONTRACT FOR THE INSTALLATION OF A PERMANENT PROTECTIVE COVER FOR HAZARDOUS MATERIALS AT THE MUNICIPAL SERVICE CENTER (F: 55) (XR: 24.1)

Staff report dated April 22, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that Action Awnings, Inc., be and hereby is determined to be the lowest acceptable bidder in connection with the Installation of a Permanent Protective Cover for Hazardous Materials at the Municipal Service Center, and that contract for said project be and hereby is awarded to said company in the sum of \$27,130.00, 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.

PROJECT NO. 7237 – PHASE IV STREET REHABILITATION IN VARIOUS LOCATIONS IN THE CITY - PLANS AND SPECIFICATIONS (F: 96.Proj.7237)

Staff report dated April 22, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, 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. 7493 – LAMPSON AVENUE WATER, SEWER, AND STORM DRAIN IMPROVEMENTS – PLANS AND SPECIFICATIONS (F: 92.Proj.7493)

Staff report dated April 22, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, 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.

AMENDMENT TO AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., FOR ADDITIONAL WORK RELATED TO PROJECT NO. 7238, HARBOR BOULEVARD SMART STREET ENVIRONMENTAL IMPACT REPORT (F: 96.Proj.7238) (XR: 23.26A)

Staff report dated April 22, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Amendment to the Agreement by and between the City of Garden Grove and Kimley-Horn and Associates, Inc., for additional work related to Project No. 7238, Harbor Boulevard Smart Street Environmental Impact Report, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the amendment.

APPROVAL OF AGREEMENT WITH S&S BUILDING MAINTENANCE FOR THE PROVISION OF JANITORIAL SERVICES FOR POLICE SUBSTATIONS (F: 55) (XR: 82.1)

Staff report dated April 22, 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 S&S Building Maintenance for the provision of janitorial services for police substations, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

APPROVAL OF AGREEMENT WITH 5G WIRELESS COMMUNICATIONS, INC., FOR THE PROVISION OF ADDITIONAL WIRELESS ANTENNAS EQUIPMENT TO EXPAND THE CITY'S WIDE AREA NETWORK (F: 55) (XR: 43.3)

Staff report dated April 22, 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 5G Wireless Communications, Inc., for the provision of additional wireless antennas equipment to expand the City's wide area network, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

APPROVAL OF 2003 AGREEMENT OF SETTLEMENT AND MUTUAL RELEASE WITH MARVIN, THOMAS, AND IRIS SMOTRICH AND THE SMOTRICH FAMILY TRUSTS, FOR THE CONVEYANCE OF AGENCY REAL PROPERTY LOCATED ALONG THE WEST SIDE OF EUCLID STREET, SOUTH OF GARDEN GROVE BOULEVARD, BEING A PORTION OF THE OCTA RIGHT-OF-WAY (F: A-55.280) (XR: A-84.1) (XR: 84.1)

Staff report dated April 22, 2003, was introduced, and it was noted that this item is also on the agenda for Agency consideration.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the 2003 Agreement of Settlement and Mutual Release by and between the City of Garden Grove, the Garden Grove Agency for Community Development, Marvin, Thomas, and Iris Smotrich and the Smotrich Family Trusts, for the Conveyance of Agency real property located along the west side of Euclid Street, south of Garden Grove Boulevard, being a portion of the OCTA right-of-way, be and hereby is approved; the City Manager and City Clerk are authorized to execute the appropriate documents; and the Finance Director is authorized to draw a warrant in the amount of \$100,000.00 when appropriate to do so.

WARRANTS (F: 60.5)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that regular warrants 286411 through 286887, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

HEARING OF PROTESTS ON THE SPRING 2003 WEED ABATEMENT NOTICES (F: 113.1.Spring 2003)

Staff report dated April 22, 2003, was introduced.

Mayor Broadwater declared the public hearing opened and asked if anyone wished to address the Council on the matter.

There being no response from the audience or comments from the Councilmembers, the public hearing was declared closed.

It was moved by Councilman Tran, seconded by Councilman Rosen, and carried by unanimous vote, that staff be and hereby is directed to proceed with the scheduled Spring 2003 Weed Abatement

PUBLIC HEARING TO CONSIDER ALLOCATION OF FY 2003-04 STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS FOR LAW ENFORCEMENT PROGRAMS (F: 82.5) (XR: 97.3.00)

Staff report dated April 22, 2003, was introduced. It was noted that pursuant to Legal Notice published April 10, 2003, public hearing on this matter was ordered by the City Council to be held this date.

Mayor Broadwater declared the public hearing opened and asked if anyone wished to address the Council on the matter.

There being no response from the audience or comments from the Councilmembers, the public hearing was declared closed.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that approval be given to allocate FY 2003-04

State Supplemental Law Enforcement Services Funds in the amount of \$338,695.00 for Law Enforcement Programs.

PUBLIC HEARING TO CONSIDER APPEAL OF VARIANCE NO. V-100-03 AND
CONDITIONAL USE PERMIT NO. CUP-101-03 (F: 51.CUP-101-03)
(XR: 111-V-100-03)

Variance No. V-100-03 and Conditional Use Permit No. CUP-101-03, initiated by the Applicant, CP Property Trust-Christine Pietsch, who is requesting approval to construct a 550 square foot detached second unit on an approximately 8,280 square foot lot, and to deviate from the minimum lot size, rear yard setback, and required parking. The site is located on the north side of Gamble Avenue between Gardenaire Lane and Rainier Court, at 9811 Gamble Avenue.

On March 6, 2003, V-100-03 and CUP-101-03 were deemed denied by the City Planning Commission because of a split vote. Then on March 19, 2003, an appeal from the action of the Planning Commission was filed by the applicant, and pursuant to Legal Notice published on April 10, 2003, public hearing was ordered by the City Council to be held this date.

Staff report dated April 22, 2003, was introduced, providing background information concerning this matter.

Discussion ensued relative to the parking situation and the location of an additional covered parking space.

The City Manager noted that it would be very difficult to put a third garage on this site.

Councilman Leyes pointed out that the site plan posted on the wall is different from the one in the agenda packet. Staff noted that the map that went to the Planning Commission is the one on the wall; whereas, the one in the packet was attached to the appeal and was provided by the applicant, which essentially changes the site plan from the one that went to the Planning Commission.

Councilman Leyes expressed concern about Planning Commissioner Barry's absence at the Planning Commission hearing on this matter and noted that she seems to be absent frequently and perhaps that should be looked at.

Mayor Broadwater declared the public hearing opened and asked if anyone wished to address the Council on the matter.

Chris Pietsch addressed the Council, noting that they want to move the building for the rear setback, noting that they have really tried to meet the City's requirements. She noted that the garage is not as big as the City thinks it is. The house has three bedrooms; and she, her mother, and her two children are the sole occupants. They will not be adding any more occupants.

They have no problems with their neighbors over this project. Her mother helps her with her children, and she just wants to take care of her family. She is not collecting rent from her mother, and they are not planning on moving. She noted that the street is not a high trafficked street.

In response to inquiries by Councilman Rosen, Ms. Pietsch indicated that her mother has been residing with her since her father died last September. Additionally, her son is sleeping in the living room area until this matter can be resolved.

In response to inquiries by Councilman Tran, Ms. Pietsch noted that they currently can park three vehicles on the property, the garage can hold two vehicles, and curbside parking is available in front of the residence.

Russell Nowell, attorney for the applicant, addressed the Council, noting that Ms. Pietsch simply wants to take care of her family. As people age and family conditions change, the needs of people to maintain independence but still live with their family grow. State legislature has recognized this need and is encouraging cities to permit second units, and the standard for second units is you cannot require more than one parking space per bedroom or unit. There are five parking spaces here, so there is no parking problem; and there are no complaining neighbors. He asked that the variance be approved.

Mayor Broadwater inquired whether this change needs to go back to the Planning Commission.

The City Manager noted that they have moved the building over to the westerly property line, and it is still within the side yard setback requirements and they have narrowed the unit from 20-1/2 feet to 20 feet, which made it longer, so they made their rear yard setback larger from 10 to 14-1/2 feet, so they tried to make the situation better. This is not a significant change to warrant it going back to the Planning Commission.

The City Attorney added that the change can be viewed as a non-material change and does not need to return to the Planning Commission.

There being no further comments from the audience, the public hearing was declared closed.

Mayor Broadwater indicated his lack of support for granny flats, noting that he does not believe it is good for a city. However, there is no one present this evening in the audience who is against this particular project.

It was moved by Mayor Broadwater, seconded by Councilman Rosen, and carried by unanimous vote, that the appeal be upheld, with the site plan in the packet being that one approved, and staff return with the appropriate resolution on May 27, 2003.

CONSIDERATION OF APPEAL OF SITE PLAN NO. SP-317-02, SUBMITTED BY VIACOM OUTDOOR, REQUESTING APPROVAL TO RELOCATE A BILLBOARD TO 13311-13341 GARDEN GROVE BOULEVARD (F: 116.SP-317-02) (XR: 112.10)

Staff report dated April 22, 2003, was introduced, noting that a public hearing on this matter was held on April 8, 2003, at which time the hearing was declared closed and the decision deferred to this date. Staff noted that it has been mutually agreed to continue this matter to May 27, 2003.

AWARD OF CONTRACT ON PROJECT NO. 7800, SEWER IMPROVEMENTS AT SIX LOCATIONS (F: 92.proj.7800)

Staff report dated April 22, 2003, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that Mike Prlich & Sons be and hereby is determined to be the lowest acceptable bidder in connection with Sewer Improvements at Six Locations, Project No. 7800, and that contract for said project be and hereby is awarded to said company in the sum of \$344,731.00, 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.

CONSIDERATION OF PROPOSED MODIFICATIONS TO THE MUNICIPAL CODE RELATING TO THE DISTRIBUTION AND SALES OF FIREWORKS (F: 61.6)

Staff report dated April 14, 2003, was introduced, presenting proposed changes to the Garden Grove Municipal Code dealing with the distribution and sales of fireworks in the city. It was noted that at a City Council work session on March 22, 2003, staff was directed to provide a draft ordinance for Council consideration and discussion. This was presented at the March 25, 2003, meeting, where these changes were discussed and voted upon.

Councilman Tran inquired as to the prohibiting of stands within 1000 feet of the northeast corner of Westminster and Magnolia. The City Manager noted that this area has been identified as a problem area and is similar to the Euclid and Katella intersection as far as enforcement issues.

Councilman Tran indicated he would like to amend the proposed ordinance to delete the intersection of Magnolia and Westminster from the list of prohibited intersections. Councilman Leyes expressed his support for that deletion.

Mayor Broadwater expressed his displeasure with changing the ordinance to delete this intersection.

Councilman Rosen commented that if this proves to be a problem area, the intersection could be put back in next year.

Councilman Dalton agreed.

ORDINANCE NO. 2599 was introduced for first reading and the title read in full, entitled
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN
GROVE ENACTING AMENDMENTS TO CHAPTER 5.28, "FIREWORKS," OF
THE MUNICIPAL CODE

It was moved by Councilman Tran, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Ordinance No. 2599 be waived, and said Ordinance be and hereby is passed to second reading, as amended to reflect the removal of the Westminster and Magnolia intersection from prohibited areas for stands.

INITIATION OF PROCEEDINGS FOR LEVYING OF FY 2003-2004 ASSESSMENTS FOR STREET LIGHTING DISTRICT, STREET LIGHTING DISTRICT NO. 99-1, AND PARK MAINTENANCE DISTRICT (F: 69.2.FY 2003-2004) (XR: 31.5)

Staff report dated April 22, 2003, was introduced, and staff indicated that in order to continue the lighting of streets and the maintenance of parks at the current service levels for the benefit of the city's property owners, it is necessary to initiate the proceedings of levying annual assessments under the Landscaping and Lighting Act of 1972. The apportionment of costs is updated and distributed in proportion to the benefit received.

The City Manager noted that Edison Company raised the City's costs for streetlights by 22 percent, and the City will have to use reserves in the Street Lighting District to make ends meet.

Councilman Leyes commented that disastrous leadership in Sacramento resulted in the energy crisis and the huge spikes in the cost of energy. He noted that the street lighting district assesses schools and churches, further, that schools have their own budget problems, and a tax on a church is unconstitutional and unconscionable. He indicated he couldn't support this.

Councilman Tran inquired what would happen if Council rejects the resolutions.

The City Manager noted that the general fund would have to subsidize street lighting costs and the full park maintenance costs within the city, and there are no reserves for that. The City Manager also noted that the actions taken tonight are to approve the preliminary engineer's reports and setting the public hearings.

RESOLUTION NO. 8494-03

Councilman Rosen moved, seconded by Councilman Dalton, that full reading of Resolution No. 8494-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL

ASSESSMENTS FOR THE 2003-04 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted.

Said motion carried by the following vote:

AYES: COUNCILMEMBERS: (4) DALTON, ROSEN, TRAN,
BROADWATER
NOES: COUNCILMEMBERS: (1) LEYES
ABSENT: COUNCILMEMBERS: (0) NONE

RESOLUTION NO. 8495-03

Councilman Rosen moved, seconded by Councilman Dalton, that full reading of Resolution No. 8495-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2003-04 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted.

Said motion carried by the following vote:

AYES: COUNCILMEMBERS: (4) DALTON, ROSEN, TRAN,
BROADWATER
NOES: COUNCILMEMBERS: (1) LEYES
ABSENT: COUNCILMEMBERS: (0) NONE

RESOLUTION NO. 8496-03

Councilman Rosen, seconded by Councilman Dalton, that full reading of Resolution No. 8496-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTION 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2003-04 FISCAL YEAR FOR THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted.

Said motion carried by the following vote:

AYES: COUNCILMEMBERS: (4) DALTON, ROSEN, TRAN,
BROADWATER
NOES: COUNCILMEMBERS: (1) LEYES
ABSENT: COUNCILMEMBERS: (0) NONE

RESOLUTION NO. 8497-03

Councilman Rosen moved, seconded by Councilman Dalton, that full reading of Resolution No. 8497-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE ENGINEER'S REPORTS REGARDING THE LEVY OF AN ANNUAL ASSESSMENT WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT, CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, AND THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2003-04, be and hereby is adopted.

Said motion carried by the following vote:

AYES: COUNCILMEMBERS: (4) DALTON, ROSEN, TRAN,
BROADWATER
NOES: COUNCILMEMBERS: (1) LEYES
ABSENT: COUNCILMEMBERS: (0) NONE

RESOLUTION NO. 8498-03

Councilman Rosen moved, seconded by Councilman Dalton, that full reading of Resolution No. 8498-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTION 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT FOR FISCAL YEAR 2003-04 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, setting public hearing date for May 27, 2003, be and hereby is adopted.

Said motion carried by the following vote:

AYES: COUNCILMEMBERS: (4) DALTON, ROSEN, TRAN,
BROADWATER
NOES: COUNCILMEMBERS: (1) LEYES
ABSENT: COUNCILMEMBERS: (0) NONE

RESOLUTION NO. 8499-03

Councilman Rosen moved, seconded by Councilman Dalton, that full reading of Resolution No. 8499-03 be waived, and said Resolution entitled A

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTION 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2003-04 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, setting public hearing date for May 27, 2003, be and hereby is adopted.

Said motion carried by the following vote:

AYES: COUNCILMEMBERS: (4) DALTON, ROSEN, TRAN,
BROADWATER
NOES: COUNCILMEMBERS: (1) LEYES
ABSENT: COUNCILMEMBERS: (0) NONE

RESOLUTION NO. 8500-03

Councilman Rosen moved, seconded by Councilman Dalton, that full reading of Resolution No. 8500-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTION 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2003-04 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, setting public hearing date for May 27, 2003, be and hereby is adopted.

Said motion carried by the following vote:

AYES: COUNCILMEMBERS: (4) DALTON, ROSEN, TRAN,
BROADWATER
NOES: COUNCILMEMBERS: (1) LEYES
ABSENT: COUNCILMEMBERS: (0) NONE

FORMATION OF A STREET LIGHTING OVERLAY DISTRICT FOR FY 2003-04
(F: 69.3)

Staff report dated April 22, 2003, was introduced, and the City Manager indicated direction is being sought to proceed with establishing a new street lighting district because of the increased costs for street lighting. This would require a mail ballot vote of the property owners to approve an increase in the rates for next year. The action sought now is authorization to begin that process. Next year, unless there is an adjustment of revenues received by the street lighting district, the general fund will have to consider subsidizing the

street light district in the amount of approximately \$200,000.00. This rate increase would not take effect until 2004.

Staff reviewed the process, noting that this will come back as a public hearing.

Councilman Rosen moved, seconded by Councilman Tran, that staff begin the process of forming a street lighting overlay district for FY 2003-04. Said motion carried by the following vote:

AYES: COUNCILMEMBERS: (4) DALTON, ROSEN, TRAN,
BROADWATER
NOES: COUNCILMEMBERS: (1) LEYES
ABSENT: COUNCILMEMBERS: (0) NONE

DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR A SPECIAL MEETING OF THE LEAGUE OF CALIFORNIA CITIES GENERAL ASSEMBLY TO CONSIDER PROPOSALS CONCERNING THE STATE BUDGET AND STATE-LOCAL FISCAL REFORM (F: 74.10)

Communication from the League of California Cities was introduced,

Councilman Leyes commented that he believes the League of California Cities is no friend of the taxpayers. He would like the Council to discuss publicly any of the proposals on the meeting on May 13 and submit a proxy vote.

Mayor Broadwater inquired whether anyone would like to go to Sacramento.

Councilman Leyes commented that he does not believe taxpayer money should be used to send someone to Sacramento, suggesting there should be a ban on travel.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that Mayor Broadwater be designated as the voting delegate for the special meeting in Sacramento on May 15, 2003, with the rest of the Council as alternates.

DISCUSSION REGARDING ASSEMBLY BILL 1221, CONCERNING REALLOCATION OF LOCAL SALES AND PROPERTY TAXES, AS REQUESTED BY COUNCILMAN LEYES (F: 46.1)

Councilman Leyes commented that this bill is a good attempt to fix state and local finance. He referenced a staff memo discussing various scenarios where the City could lose out because this is a swap between our share of property tax and our share of sales tax. He noted that a committee in Sacramento will hear this bill tomorrow morning, and there may be amendments. He suggested we wait and see what comes out of that meeting; however, he suggested the Council be engaged in the debate and ask the authors to consider some amendments to make sure that we are not negatively impacted by this proposal should it become law.

CONSIDERATION OF AMENDMENT TO THE MUNICIPAL CODE REGARDING
SELECTION OF COMMISSION MEMBERS, AS REQUESTED BY COUNCILMAN
ROSEN (F: 122.1)

Councilman Rosen indicated that his proposed ordinance would not become effective until after the November 2004 election. He noted that this is a proposal where the Mayor and each Councilmember would have one appointee, and for a seven-member commission, the Mayor would have three appointees. He noted that the Councilmembers are elected at large and every Councilmember should have the ability to appoint one member to each commission, subject to confirmation by the full Council. Section 3 says appointees serve at the pleasure of the person appointing them; however, he indicated that he is flexible about that process. He noted that the voters should know who is accountable to whom.

Councilman Dalton expressed his agreement, noting that this change is long overdue. However, he expressed concern with the removal process at the pleasure of the appointee.

Councilman Leyes suggested that rather than this change being enacted by the present Council, the new Council in 2004 should make that decision.

Councilman Rosen indicated he is bringing this forward at this time so this can be a policy decision rather than a political decision aimed at personalities.

Councilman Tran noted his agreement with the timing of the amendment. He suggested, however, that the appointments be for two-year terms, with renewal based on the performance of that commission member. And if there is a concern about negligence on the part of any commissioner, there could be an impeachment process with a majority vote of the Council.

Discussion ensued, and Councilman Rosen moved, seconded by Councilman Dalton, and carried by unanimous vote, that the City Attorney draft the two alternative ordinances discussed and present them at the next City Council meeting.

STATUS REPORT REGARDING PARKING ISSUES ON WEST STREET AND
ADJACENT RESIDENTIAL STREETS (F: 75.1) (XR: 73.12)

Staff provided a status report concerning the parking issues on West Street and adjacent residential streets, noting that staff is continuing to monitor the situation. There are a number of parking spaces available for local resident parking, and the Pony Baseball season has not changed that since the opening of Crosby School. The City Manager noted that along with the proposed gymnasium project, a substantial number of additional parking spaces would be added, beyond what the facility would require.

COMMENTS BY COUNCILMEMBERS

Councilman Leyes spoke about the current Conflict of Interest code. He noted that he has always been very conservative on those kinds of issues, and that was the reason he logged so many abstentions at the County Sanitation District meetings. He suggested looking at an amended Conflict of Interest code for the City of Garden Grove that exceeds the requirements in state law and requires more frequent and more thorough reporting and could help shed light on the activities of the Council and any potential and actual conflicts of interest. (F: 46.1)

Councilman Leyes indicated he was approached by a gentleman who is active in the West Garden Grove Residents Association about a Police Lieutenant who has attended their meetings for the past couple of years and reported on police activities and public safety issues. He indicated that he is no longer allowed to attend these meetings, and Councilman Leyes asked that this order be reviewed. (F: 46.1) (XR: 82.1) (XR: 130.17)

Councilman Leyes referenced the notice appearing on the agenda that states there would not be a City Council meeting until May 27, 2003. He indicated there was a meeting scheduled on May 13, 2003; however, due to a vacation conflict of a Councilmember, that meeting is being cancelled. He suggested that meeting should not be cancelled. He announced that he will be at the meeting place on May 13, 2003, at the appointed hour, and he invited the public to attend; and if no other Councilmembers show up, he will discuss with the public very important issues at hand. (F: 46.1)

Councilman Leyes requested that two items be placed on the agenda sometime in the near future: The waste of tax dollars for the OCTA CenterLine Program; and the City's membership in Southern California Association of Governments (SCAG), which he believes is a waste of money. (F: 46.1) (XR: 23.18F) (XR: 74.16)

Mayor Broadwater commented on erroneous media coverage concerning a "Theme Park" on Harbor Boulevard, noting that meetings are currently being held to discuss Harbor Boulevard development in general. (F: 46.1)

Councilman Rosen moved, seconded by Councilman Tran, that the City Council adjourn to May 27, 2003. Said motion carried by the following vote: (F: 46.1)

AYES: COUNCILMEMBERS: (4) DALTON, ROSEN, TRAN,
BROADWATER
NOES: COUNCILMEMBERS: (1) LEYES
ABSENT: COUNCILMEMBERS: (0) NONE

ADJOURN TO CLOSED SESSION

At 9:55 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 Garden Grove Police Association.

Present in Closed Session, in addition to Mayor Broadwater and all Councilmembers, were City Manager, George Tindall; Assistant City Manager, Les Jones; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; Deputy Police Chief, Scott Jordan; and City Attorney, John Shaw.

RECONVENE IN OPEN SESSION

At 10:42 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 10:43 p.m., the meeting was declared adjourned to Tuesday, May 27, 2003, at 6:45 p.m., in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue.

RUTH E. SMITH
CITY CLERK