

## 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, May 27, 2003, at 6:50 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; 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 Tran led the Pledge of Allegiance to the Flag of the United States of America.

#### PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Danny Castro, retiring from the Public Works Department after 39 years of service, and presented him with a plaque in appreciation and recognition of his exceptional service to the City of Garden Grove. (F: 52.3) (XR: 78.9)

#### ORAL COMMUNICATIONS – PUBLIC

Tony Flores addressed the Council and presented and reviewed copies of ten documents, being the Mayor's letter on City web site; an invoice from LEDO International; a letter from Woodrow Butterfield; a Notice of Adjournment; a letter to Legal Counsel from Mr. Flores with a settlement proposal for Flores v. Broadwater, and a response from Counsel; and a letter to the City Manager from Mr. Flores asking how much money the City has spent on lawsuit he filed against Mayor Broadwater. Additionally, he thanked Councilmembers for attending meetings of the West Garden Grove Association. (F: 53.3) (XR: 130.15)

Claudio Gallegos addressed the Council concerning the agenda item regarding the relocation of a billboard owned by Viacom Outdoor. He asked

that the Appeal be denied and the billboard not be placed on Garden Grove Boulevard. (F: 53.3) (XR: 116.SP-317-02)

Bob Snell addressed the Council concerning the Gilbert Estates project recently heard by the Planning Commission. He called for the resignation of the current Planning Commissioners and the appointment of new ones, to consist of two representatives from the West Garden Grove Residents Association, two from the Central Garden Grove Residents Association, and one appointed by the Council. He spoke against high density, noting that according to the Register newspaper, Garden Grove is listed as one of the most congested cities. (F: 53.3) (XR: 122.10) (XR: 116.PUD-102-03)

Christopher Rae addressed the Council concerning the residence on Ocean Breeze that is being used as a temple. He commented that the neighbors believe the Council has let them down. He provided photos of the residence in question and asked what the City is doing about it. He suggested the City send a newsletter out to the neighbors advising them of the status of this issue.

Mayor Broadwater responded that staff previously talked with the neighbors who indicated the matter had improved. However, staff will follow up once again to check the status of the residence.

Councilman Tran noted that the City has taken legal action on this matter. (F: 53.3) (XR: 80.2)

Laurie Merrick-Trimper addressed the Council concerning the Gilbert Estates project, indicating the neighbors do not want it. (F: 53.3) (XR: 116.PUD-102-03)

Carolyn Rowland addressed the Council concerning the makeup of the Planning Commission and the method of appointing them. She expressed concern that the Planned Unit Development projects seem to get rubber-stamped approval by the Planning Commission. (F: 53.3) (XR: 122.10)

Liz Raganold addressed the Council concerning the agenda item relating to the selection of Commission members, indicating the method of appointing commission members should be changed, and commenting that the Planning Commission is not representing the citizens. (F: 53.3) (XR: 122.1) (XR: 122.10)

#### RECESS

At 7:20 p.m., the Mayor declared a recess.

#### RECONVENE

At 7:45 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

COMMUNICATION FROM THE REFUGEE FORUM OF ORANGE COUNTY  
REQUESTING CITY CO-SPONSORSHIP FOR USE OF THE GARDEN GROVE  
COMMUNITY MEETING CENTER (F: 88.1) (XR: 48.4)

Communication from the Refugee Forum of Orange County was introduced, and the Mayor called forward Peter Daniels. Mr. Daniels noted that they have paid for the use of the Community Meeting Center in the past; however, this year they have received no money from the State.

Councilman Rosen noted he has attended this event in the past, and it is a worthwhile event for the City to co-sponsor.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the City co-sponsorship of the annual Refugee Day celebration on July 11, 2003, at the Community Meeting Center, be and hereby is approved.

PROCLAMATION – AMERICAN LUNG ASSOCIATION'S CLEAN AIR MONTH (83.1)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that May 2003, be and hereby is proclaimed as American Lung Association's Clean Air Month.

CLAIMS FOR DAMAGES (F: 49.2)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that claim submitted on behalf of Juventino Prieto, be and hereby is denied.

AWARD OF CONTRACT FOR THE REPLACEMENT OF TWO SECTIONAL DOORS  
AT FIRE STATION NO. 1 (F: 55) (XR: 24.1) (XR: 61.1)

Staff report dated May 27, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that DuCharme Door Corporation, be and hereby is determined to be the lowest acceptable bidder in connection with the replacement of two sectional doors at Fire Station No. 1, and that contract for said project be and hereby is awarded to said company in the sum of \$15,742.00, 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.

AWARD OF CONTRACT FOR PUBLIC WORKS EMPLOYEES' UNIFORMS AND  
UNIFORM CLEANING SERVICE (F: 55) (XR: 24.1)

Staff report dated May 27, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that Prudential Overall Supply, be and hereby is determined to be the lowest acceptable bidder in connection with the Rental and Cleaning of Public Works Employees' Uniforms, and that contract for said service be and hereby is awarded to said company in the sum of \$31,301.85, with a contingency for \$3,130.85, in accordance with the terms of the City's 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. 7383 – CONVERSION OF AIR/FUEL CONTROLLERS FOR SIX NATURAL GAS ENGINES FOR WATER WELLS AND BOOSTER PUMPS – PLANS AND SPECIFICATIONS (F: 112.Proj.7383)

Staff report dated May 27, 2003, was introduced.

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

ANNUAL ACTION PLAN REPORT OUTLINING USE OF GRANT FUNDS TO ADDRESS COMMUNITY DEVELOPMENT AND HOUSING NEEDS OF LOW AND MODERATE INCOME RESIDENTS DURING THE UPCOMING FISCAL YEAR (F: 117.10D)

Staff report dated May 27, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the Garden Grove FY 2003-04 Annual Action Plan, outlining use of grant funds to address community development and housing needs of low and moderate income residents, be and hereby is approved.

ANNUAL COMMODITY ADJUSTMENT TO WATER RATE FOR FY 2003-04 (F: 112.1) (XR: 112.6) (XR: 60.1)

Staff report dated May 27, 2003, was introduced.

Councilman Leyes noted that this is an annual commodity adjustment for water rates, and he inquired whether the 9-cent per billing unit increase reflects the totality of the increase adopted by the Orange County Water District. The City Manager responded in the affirmative.

Councilman Leyes noted that he cannot support this increase because not enough was done to protest and fight the increase. He added that the Orange County Water District's new management plan is much too costly and imprudent.

In response to an inquiry by Councilman Rosen, the City Manager indicated if the Council does not approve this, the City Water Corporation will run in the red.

Councilman Dalton clarified that the average monthly increase would be \$1.80 a month.

Mayor Broadwater commented that the City has had its water rate raised, and it is just a matter of how it is going to be paid.

In response to an inquiry from Councilman Dalton, the City Manager noted that this is a cost of \$1.3 million to the Water Corporation; and if rates are not adjusted, the Water Corporation will be in the red, and ultimately the General Fund would have to support the water operations.

Mayor Broadwater moved to approve the increase, noting that this is one of many being put upon the City by mandated sources from Sacramento. He spoke of the need to keep Garden Grove solvent, noting that this is the only way to do that. The motion died for lack of a second.

In response to an inquiry by Councilman Tran, the City Manager responded that the Water Corporation in total has reserves of approximately \$4 million, of which \$3 million is set aside for emergency situations that might arise. There is no insurance on the infrastructure that the Water Corporation operates.

In response to an inquiry from Councilman Rosen, the City Manager noted that this would be an approximately 10 percent increase.

Councilman Tran indicated that he cannot support a ten-percent increase like this. He would like to see where the reserves are, whether they can be tapped into, how long they would last, and whether there are contingency funds to cover for any emergencies that might occur.

Councilman Rosen moved, seconded by Councilman Dalton, that this matter be continued to June 10, 2003, and information requested by Councilman Tran be provided. Said motion carried by the following vote:

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

SECOND AMENDMENT TO GRANT AGREEMENT WITH THE ORANGE COUNTY  
CHILDREN AND FAMILIES COMMISSION FOR THE PROVISION OF HEALTH CARE  
ACCESS SERVICES AT THE MAGNOLIA PARK FAMILY RESOURCE CENTER  
(F: 55) (XR: 73.8a)

Staff report dated May 27, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the Second Amendment to the Grant Agreement with the Orange County Children and Families Commission for the provision of health care access services at the Magnolia Park Family Resource Center, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the amendment.

LICENSE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR USE OF PORTIONS OF THE PACIFIC ELECTRIC RIGHT-OF-WAY ADJACENT TO GUTOSKY PARK AND SHELLY DRIVE FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT AND LANDSCAPING (F: 55) (XR: 23.18) (XR: 73.7) (XR: 117.17D)

Staff report dated May 27, 2003, was introduced.

Councilman Leyes indicated he will abstain from this item because this property is fairly close to a single-family residence that he owns and rents out.

Councilman Rosen moved, seconded by Councilman Dalton, that the License Agreement with the Orange County Transportation Authority for use of portions of the Pacific Electric Right-of-Way adjacent to Gutosky Park and Shelly Drive for the installation of playground equipment and landscaping, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement. Said motion carried by the following vote:

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

EASTGATE PARK THEATER DECK RETROFIT FOR HANDICAPPED ACCESSIBILITY ACCEPTANCE OF CONTRACT AS COMPLETE (F: 55) (XR: 73.2a)

Staff report dated May 27, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the Eastgate Park Theater Deck Retrofit for handicapped accessibility, be accepted as complete as of this date; the Finance Director is authorized to draw a warrant in the amount of \$23,976.20 and release the retention payment to Warvi Construction, Inc., when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

PROJECT NOS. 7388, 7244, AND 7388 – TWINTREE/HASTER STORM DRAIN, GARDEN GROVE BOULEVARD SEWER, AND HASTER STREET WATER MAIN IMPROVEMENTS - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 92.Proj.7388) (XR: 92.Proj.7244)

Staff report dated May 27, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that Project Nos. 7388, 7244, and 7388, Twintree/Haster Storm Drain, Garden Grove Boulevard Sewer, and Haster Street Water Main, be accepted as complete as of this date; the Finance Director is authorized to release the retention payment to Paulus Engineering, Inc., when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

RESOLUTION APPROVING THE APPEAL AND OVERTURNING THE PLANNING COMMISSION'S DENIAL OF VARIANCE NO. V-100-03 AND CONDITIONAL USE PERMIT NO. CUP-101-03, FOR A SECOND UNIT AT 9811 GAMBLE AVENUE (F: 51.CUP-101-03) (XR: 111.V-100-03)

Staff report dated May 27, 2003, was introduced.

RESOLUTION NO. 8502-03

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8502-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE APPEAL AND OVERTURNING THE PLANNING COMMISSION'S DENIAL OF VARIANCE NO. V-100-03 AND CONDITIONAL USE PERMIT NO. CUP-101-03 FOR A SECOND UNIT LOCATED ON THE NORTH SIDE OF GAMBLE AVENUE, BETWEEN GARDENAIRE LANE AND RAINIER COURT, AT 9811 GAMBLE AVENUE, PARCEL NO. 132-122-05, be and hereby is adopted.

ACQUISITION OF EASEMENT AND WOOD-FRAME STRUCTURE LOCATED AT 11151 WESTMINSTER AVENUE, PARCELS 9 AND 10, FOR PROJECT NO. 7236, WIDENING AND IMPROVEMENT OF WESTMINSTER AVENUE FROM FAIRVIEW STREET TO EUCLID STREET (F: 55-City of Santa) (XR: 84.1)

Staff report dated May 27, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the Acquisition of Easement and Wood-Frame Structure located at 11151 Westminster Avenue, Parcels 9 and 10, for Project No. 7236, Widening and Improvement of Westminster Avenue from Fairview Street to Euclid Street, be and hereby is approved; the City Manager and City Clerk are authorized to execute the pertinent documents; and the Finance Director is authorized to draw a warrant in the amount of \$36,200.00 when appropriate to do so.

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 March 11, March 25, and April 8, 2003, 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 286888 through 289050 and Wires W100-103, and payroll warrants 128079 through 128565, Direct Deposits D76215 through D77347, and Wires W729 through W736, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – APPEAL OF DENIAL OF REQUEST FOR MODIFICATION TO CONDITIONAL USE PERMIT NO. CUP-572-01 (F: 51.CUP-572-01)

Appeal of Denial of Request for Modification to Conditional Use Permit No. CUP-572-01. The Applicant, Trails End RV Storage, is requesting a modification to Conditional Use Permit No. CUP-572-01 to allow for an eight-foot-high block wall to replace the required five-foot-wide landscape planter along the east side of the Trails End RV Storage facility located on the Southern California Edison easement and the Union Pacific Railroad right-of-way, between Chapman Avenue and Lampson Avenue, east of Western Avenue.

On April 3, 2003, the City Planning Commission, pursuant to Resolution No. 5354, denied the modification to CUP-572-01. An appeal was filed by the applicant on April 24, 2003; and pursuant to Legal Notice published May 8, 2003, public hearing on the case was ordered by the City Council to be held this date.

A communication dated May 20, 2003, from the Applicant, was introduced, requesting the public hearing be continued until next month.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that this matter be continued to June 10, 2003, at the request of the applicant.

PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-100-03, AND A DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-321-03 (F: 116.PUD-100-03) (XR: 106-138) (XR: 116.SP-321-03)

Planned Unit Development No. PUD-100-03 and a Development Agreement in Connection with Site Plan No. SP-321-03, initiated by Taft Avenue Cottages Association, LLC, proposing to rezone a 3.2-acre site located on the east side of Taft Street, north of Trask Avenue, from R-3 (Multi-family Residential) to



Planned Unit Development, and approval of a Development Agreement, to subdivide the site into 37 lots and construct 33 two-story detached single-family homes at 13392 and 13412 Taft Street.

On April 3, 2003, the City Planning Commission, pursuant to Resolution No. 5355, recommended approval of PUD-100-03 and the Development Agreement. Pursuant to Legal Notice published May 8, 2003, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated May 27, 2003, was introduced, and staff reviewed the background information concerning this project.

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

Jim Barisic, Brandywine Development, addressed the Council on behalf of the proposed project. He indicated that these proposed homes will be a welcome addition to this particular part of Garden Grove and will enhance the surrounding mixed use residential neighborhood. He noted that about 50 percent of their homes are sold to current existing residents in Garden Grove. He further noted that no variances are being requested, and the project is substantially below the density proposed. He noted that he is available to answer any questions the Council might have.

Cheryl Armstrong addressed the Council, indicating that she lives near the proposed Gilbert Estates project. She noted her opposition to this project because of its high density.

Bob Owens addressed the Council, noting that the Planning Commission and the residents are not on the same wavelength, and recommended that the Council find out what the residents want before considering new projects.

Carolyn Rowland addressed the Council, expressing concern about the project's impact on water and sewer usage. She urged that a moratorium be placed on further development until discussions take place with the various community groups.

Cy LaBree addressed the Council, expressing concern about adequate parking and about multiple families residing in these dwellings. He indicated that Rosewood Village is experiencing parking problems.

David Lautherboren addressed the Council, expressing concern about the development's impact on traffic in the area.

Laurie Trimper, a member of the Central Garden Grove Residents Association, addressed the Council, indicating they do not want any more variances. She expressed concern about the impact on the Garden Grove Unified School District, noting that the District also has expressed concern.

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

Councilman Rosen inquired whether there are parking issues at Rosewood Village and Brentwood Village, and staff noted that they have had no complaints about Brentwood Village; however, there have been some concerns relative to Rosewood Village because there are no driveways.

In response to inquiries by Councilman Rosen, the City Manager noted that they will have a Homeowners Association, but there will be no gate.

Councilman Tran indicated he believes this project is good for the city, and he will support it. There is a need for more residences, and whenever these developments are built, most of them are purchased prior to completion. He noted that as far as the cumulative effect of these types of developments, the Council will have to look at the long-term effects as well.

Councilman Rosen noted that the site is zoned R-3, and higher density could go in there without Council approval. He noted that he filed an appeal on the Gilbert Estates project; however, this one is an appropriate project, and he will support it.

Councilman Leyes noted that it is good that neighborhood associations are monitoring development. He spoke about PUD's overall, noting that they are not inherently evil. He indicated that the City needs to be cognizant of the cumulative impact. The developer is not asking for subsidies, and the housing demand is very strong. This is a good project, and he can support it.

Councilman Dalton noted that the biggest problem as he sees it is traffic. This will enhance the area and will be a welcome addition to the community. He can support this project.

Mayor Broadwater spoke, in response to comments made earlier in the evening, under Public Oral Communications, about the various members of the Planning Commission. He reviewed the backgrounds of each commissioner, noting that these appointments were made by the Council, and they are first-class commissioners.

ORDINANCE NO. 2600 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-100-03, CHANGING THE ZONING DESIGNATION FROM R-3 (MULTI-FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-100-03, FOR PROPERTY LOCATED ON THE EAST SIDE OF TAFT STREET, NORTH OF TRASK AVENUE, AT 13392 AND 13412 TAFT STREET, PARCEL NOS. 099-271-42, 43

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2600 be waived, and said Ordinance be and hereby is passed to second reading.

ORDINANCE NO. 2601 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN TAFT AVENUE COTTAGES ASSOCIATES, LLC (DEVELOPER) AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE EAST SIDE OF TAFT STREET, NORTH OF TRASK AVENUE, AT 13392 AND 13412 TAFT STREET, PARCEL NOS. 099-271-42, 43

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2601 be waived, and said Ordinance be and hereby is passed to second reading.

#### RECESS

At 8:50 p.m., the Mayor declared a recess.

#### RECONVENE

At 9:02 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

PUBLIC HEARING - GENERAL PLAN AMENDMENT NO. GPA-4-02, PLANNED UNIT DEVELOPMENT NO. PUD-146-02, AND DEVELOPMENT AGREEMENT FOR SITE PLAN NO. SP-318-02 (F: 20.GPA-4-02) (XR: 116.PUD-146-02) (XR: 116.SP-318-02) (XR: 106-139)

General Plan Amendment No. GPA-4-02, Planned Unit Development No. PUD-146-02, and Development Agreement, initiated by Johnston Real Estate, requesting to change the General Plan designation from OP (Office Professional) to LMR (Low Medium Density Residential), to rezone an approximately 1.78 acre site from OP to Planned Unit Development, and to approve a Development Agreement to construct 16 detached, two-story, single-family residential units. The subject property is located on the southeast corner of Chapman Avenue and Nutwood Street, at 10510 Chapman Avenue.

On April 3, 2003, the City Planning Commission, pursuant to Resolution No. 5337, recommended approval of GPA-4-02, PUD-146-02 and the Development Agreement. Pursuant to Legal Notice published May 8, 2003, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated May 27, 2003, was introduced, and staff reviewed the background information concerning this project.

Councilman Leyes referenced a section of the Planning Commission minutes where an individual commented that the law does not define the meaning of a single family. Councilman Leyes inquired how the law describes single family and single-family residents and where it is defined in the City's code.

The City Attorney responded that state law is quite liberal in allowing for a fairly large number of people to live in a single-family home. The uniform building code is the legal instrument that would deal with density, and the City is required to adopt that, along with the uniform housing code. He indicated he would have to check to see how our City zoning defines this subject.

Councilman Dalton requested that the City Attorney provide a more definitive answer on the density issue in the near future.

Councilman Tran referenced a three day notice to pay rent or quit that was submitted by the tenants of the office building that has been entered as part of the record.

Councilman Rosen noted that two of three doctors were served with these notices last Friday.

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

Robert Johnston, President of Johnston Real Estate, addressed the Council. He reviewed the various aspects of his project. He noted that this property has been a medical building for years and has been less than 20 percent occupied for over ten years. It has not attracted other uses, and presently has three doctors and one rehab unit. The three-day notice had to do with the doctors in the building and the present owner, who apparently have a disagreement as far as past rent and other items associated with the leases. He noted that at a meeting in December the doctors were present and were aware of the project. At that time residents were concerned about the intersection of Nutwood and Chapman and right and left turns, which apparently is being addressed by the Traffic Commission. He noted that he has offered to pay the owner the monies allegedly owed to him by the doctors, and the owner will cancel the notices and will not remove them from the property for 52 days.

Mr. Johnston also addressed issues such as sewer, water, parking, traffic, and density. He noted that in every Homeowner Association they have built, there is a requirement that the occupants of the dwellings be family members. He noted that the properties on three sides are apartments, condominiums, and single-family homes. There is a driveway in the back of this project that separates it from the homes to the south, and on the east is the Boys and Girls Club, which has indicated its support for this project.

Mr. Johnston responded to an inquiry by Councilman Tran concerning traffic impacts and mitigating actions taken, and the City Manager noted that this project would generate less traffic than a 20,000 square foot office building would generate at peak level.

Councilman Leyes referenced a memo dated April 2, 2003, summarizing the traffic study that was done. He also questioned Mr. Johnston concerning the alleyway on the property. The City Manager noted that the alley currently is a public alley that serves both this property and the Boys and Girls Club and the property east of it. The City is currently looking at vacating this alley and making it private and turning it over to the Boys and Girls Club and the other property. Mr. Johnston noted he has no use for the alley.

Verla Lambert addressed the Council, urging the Council deny this project because of the density.

Janine Fowler addressed the Council, noting that there has been an epidemic of Planned Unit Developments. The law was made for a PUD to be three acres, and this property is 1.78 acres, creating the need for a variance. Need to take a look at these communities within our community. She asked for clarification concerning how many people can live in a single dwelling.

The City Attorney clarified that under state code there is a formula that would allow for a number of people based on square footage. Secondly, the law cannot be used to require that only blood-related individuals live in a single dwelling.

Sheldon Singer addressed the Council, indicating that the time for a medical building on this site is passed. The Boys and Girls Club support this project. The land on the other side was bought by Children's Hospital which is in the process of designing a building for that site. Parents bringing children to the Boys and Girls Club in the morning use the alleyway, and it will also be used by Children's Hospital. This is a good-looking project, compatible with the surrounding uses, and will be an upgrade for some people.

Carolyn Rowland addressed the Council concerning the process leading up to this public hearing and asked for clarification. She urged the need for long-term planning and development so we can get a better handle on the density issue for all PUD's before developers spend so much time and money on these types of projects.

In response to an inquiry from Mayor Broadwater, Mr. Johnston indicated that he has not closed escrow on this property.

Harry Pearce addressed the Council, requesting this project be turned down because the lot size is simply not large enough and the criteria for establishing a variance has not been satisfied. The Council seems to be passing ordinances to circumvent the ordinances they were elected to uphold. He asked that a moratorium be placed on small lot PUD's until small lot zoning criteria can be developed. He also suggested that if the owner would lower the rents a little, the office building would be filled.

Sheryl Armstrong addressed the Council, suggesting the office building rents be lowered and the property improved. There are too many dwellings for the

property size. She believes the Planning Commissioners have lost touch with what they were appointed to do. They should be listening to the wishes of the citizens, referencing a proposed project on Gilbert Street.

Bob Owens addressed the Council, noting that the Planning Commission should listen to the wishes of the citizens. He expressed concern about property prices being so high while the economy and the work force is struggling.

Bob Snell addressed the Council, expressing concern that the Planning Commission is not listening to the citizens and is not doing its job. He spoke about the growth of the city, with no growth in additional police and fire personnel and parks. He suggested more appropriate locations be found for these homes.

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

Councilman Rosen noted there are issues about the alley and the tenants, and he inquired whether the project could be stopped when the ordinances return for second reading if they are not resolved. The City Attorney responded in the affirmative.

Mayor Broadwater spoke in support of PUD's, noting that Associations take much better care of their properties, and the upkeep of the community is tremendously important. Garden Grove has too few Code Enforcement Officers. The City of Santa Ana has implemented fines for lack of property maintenance. Infill projects have been a great asset to our community.

Councilman Rosen noted that he is very familiar with this property. He spoke about the three doctors in the medical building on the property, noting that two of them have practiced on this property for over 40 years.

(Councilman Leyes left the meeting at 10:18 p.m.)

Councilman Rosen further noted that people who are victims of development need to be treated with courtesy, and he was extremely disturbed when he learned that three-day notices were served on two of the doctors for past due rents. He noted that the owner bought this property as Office Professional and is now getting an upgrade to residential, which is a tremendous windfall, and he is now gouging these doctors for even more money.

(Councilman Leyes rejoined the meeting at 10:20 p.m.)

Councilman Rosen indicated he has real concerns about the density of this project. Two R-1 homes were built on a vacant parcel at Shady Acres and Chapman Avenue, which fit in directly with the neighborhood. Paladium Street and most of Nutwood Street are zoned R-1, and if the Office Professional building has to come down, there is no reason why the property cannot be

zoned R-1 rather than PUD. Frequently developers get the false impression that whatever they propose will be approved. If CHOC is coming in, perhaps Office Professional should be retained, because if a hospital auxiliary and a Boys and Girls Club are there, there is a good chance some other related use will go onto that corner. Therefore, he cannot support putting a PUD there.

Councilman Dalton agreed that the property should be zoned R-1. He cannot support this project because it does not fit in with the surrounding neighborhood.

Councilman Leyes noted that the public comments heard this evening convinced him that this project is not acceptable. He is not convinced the variance on the PUD is necessary or warranted, and there is too much uncertainty regarding the alley. He expressed his hope that the developer will come back with a new proposal.

Councilman Tran noted that there is no compelling reason for a variance, given the fact this is a high-density project, and the developer should go back to the drawing board. He spoke of the need to balance the interest of the residents who live in the city and the interest of the city as a whole in terms of redeveloping or revitalizing empty lots to enhance the look of the city.

Mayor Broadwater indicated that he likes the project, and it would have cleaned up the corner, noting that the medical building is deteriorating and needs to be cleaned up.

In response to an inquiry by Councilman Rosen, the City Manager noted that if the developer returns with an R-1 type project, it would be deemed a new application as far as the process is concerned.

Councilman Rosen moved, seconded by Councilman Dalton, that the application be denied. Said motion carried by the following vote:

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

### RECESS

At 10:30 p.m., the Mayor declared a recess.

### RECONVENE

At 10:43 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

PUBLIC HEARING TO CONSIDER GARDEN GROVE CITY STREET LIGHTING DISTRICT, STREET LIGHTING DISTRICT NO. 99-1, AND PARK MAINTENANCE DISTRICT – FISCAL YEAR 2003-04 (F: 69.4[03-04]) (XR: 31.5)

Staff report dated May 27, 2003, was introduced.

The City Manager noted that there are no proposed increases in the assessment and no changes to the district. The Edison Company has realigned its rates and has increased the costs for public streetlights by about 22 percent, which has raised our cost by over \$200,000 this year. It is proposed to absorb those costs by reserves within the district.

Councilman Leyes noted that the last time this issue was before the Council, he voted against starting the proceedings on a new district to raise new rates to pay for the increase in the electricity costs, and he asked what the status is on that.

The City Manager responded that under Prop 218, this must be done by a ballot vote by property owners. That is not on this agenda, but the process has begun.

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

Ray Littrell addressed the Council, referencing a written protest he submitted as part of the record. He referenced six parcels on Dale Street where there are no arterial lighting charges. He believes these homes have as much benefit from the arterial lighting as any other home in the city, noting that they paid it last year. He also noted that the whole assessment program is built around a single-family residence lot of 7200 square feet, and smaller lots are paying the same amount, which is an overcharge on both the local and arterial lighting.

Tony Flores addressed the Council, alleging and citing several errors on the Engineer's Reports. He also inquired how much the City has paid consultants Harris and Associates to research, verify, and assemble the documents.

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

Councilman Leyes referenced the map in the Garden Grove Street Lighting District, there is shading for Main Street Lighting, and he asked for clarification. The City Engineer responded that it is in reference to District 99-1, and the fact that it is also on the map in the main district is an error.

Councilman Leyes inquired whether it would be in order to make a motion that the assessment against churches, schools, and nonprofits be waived. He read parts B and C from the proposed Resolutions, and in response to his question, the City Engineer noted that the actual assessment value has already been approved.



RESOLUTION NO. 8503-03

Councilman Rosen moved, seconded by Mayor Broadwater, that full reading of Resolution No. 8503-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2003-2004 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8503-03 was declared adopted.

RESOLUTION NO. 8504-03

Councilman Rosen moved, seconded by Mayor Broadwater, that full reading of Resolution No. 8504-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2003-2004 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT 99-1, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8504-03 was declared adopted.

RESOLUTION NO. 8505-03

Councilman Rosen moved, seconded by Mayor Broadwater, and carried by unanimous vote, that full reading of Resolution No. 8505-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS FOR THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2003-2004 FISCAL YEAR, be and hereby is adopted. Upon the following vote;

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

said Resolution No. 8505-03 was declared adopted.

RECESS

At 10:58 p.m., the Mayor declared a recess.

RECONVENE

At 11:17 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

RECOMMENDATION FROM THE PARKING AND MAIN STREET COMMISSION REGARDING THE PROPOSED 2003-04 BUDGET FOR MAIN STREET ASSESSMENT DISTRICT NO. 1 AND INITIATION OF PROCEEDINGS (F: 31.4) (XR: 122.6) (XR: A-31.2)

Staff report dated May 27, 2003, was introduced, indicating that although costs have risen, the fund balance and the current assessment will cover the anticipated expenditures and leave a positive fund balance at the end of the budget year. The total proposed budget for FY 2003-04 is \$44,845.00.

RESOLUTION NO. 8506-03

It was moved by Councilman Tran, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Resolution No. 8506-03 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) DESCRIBING ANY PROPOSED NEW IMPROVEMENTS OR ANY SUBSTANTIAL CHANGES IN EXISTING IMPROVEMENTS IN MAIN STREET ASSESSMENT DISTRICT NO. 1, AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF THE CHAPTER 1 OF THE ACT, be and hereby is adopted.

CONSIDERATION OF APPEAL OF SITE PLAN NO. SP-317-02, SUBMITTED BY VIACOM OUTDOOR, REQUESTING APPROVAL TO RELOCATE A 50-FOOT-HIGH, 672 SQUARE FOOT BILLBOARD TO 13311-13341 GARDEN GROVE BOULEVARD (F: 116.SP-317-02)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that this matter be continued to June 10, 2003.

SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A FY 2003-04 USED OIL RECYCLING BLOCK GRANT (F: 97.5.01) (XR: 24.1)

Staff report dated May 27, 2003, was introduced.

RESOLUTION NO. 8501-03

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Resolution No. 8501-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR USED OIL RECYCLING BLOCK GRANT, FISCAL YEAR 2003/2004 (9<sup>TH</sup> CIRCLE), be and hereby is adopted.

PERS CONTRACT AMENDMENT TO REMOVE 1% EMPLOYEE SHARING OF COST OF SHARING OPTION (F: 78.12)

Staff report dated May 27, 2003, was introduced.

ORDINANCE NO. 2602 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM AND REPEALING ORDINANCE NO. 2598

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinance No. 2602 be waived, and said Ordinance be and hereby is passed to second reading on June 24, 2003.

SECOND READING OF ORDINANCE NO. 2599 (F: 61.6)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2599, be waived.

ORDINANCE NO. 2599 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 ENACTING AMENDMENTS TO CHAPTER 5.28, "FIREWORKS," OF THE MUNICIPAL CODE

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that Ordinance No. 2599 be and hereby is passed.

APPOINTMENT TO THE NEIGHBORHOOD IMPROVEMENT AND CONSERVATION COMMISSION (F: 122.4a) (VIP)

A communication from Linda Zamora was introduced, and Mayor Broadwater noted that although her letter expresses an interest in serving on the Administrative Board of Appeals, she has indicated her willingness to serve on the Neighborhood Improvement and Conservation Commission.

It was moved by Mayor Broadwater, seconded by Councilman Rosen, and carried by unanimous vote, that Linda Zamora be and hereby is appointed to fill a vacancy on the Neighborhood Improvement and Conservation Commission.

REQUEST FROM ORANGELINE DEVELOPMENT AUTHORITY FOR FUNDING FOR THE DEVELOPMENT OF A HIGH-SPEED MAGNETIC LEVITATION TRANSPORTATION SYSTEM ALONG THE PACIFIC ELECTRIC RAILWAY CORRIDOR AND REVIEW OF DRAFT JOINT EXERCISE OF POWERS AGREEMENT  
(F: 36.12) (XR: 36.3)

Communication dated May 8, 2003, from the Orangeline Development Authority, was introduced

Mayor Broadwater commented that he believes the Authority is a good thing; however, the cost of approximately \$28,000 in dues makes it unaffordable for the City.

It was moved by Mayor Broadwater, seconded by Councilman Dalton, and carried by unanimous vote, that the City of Garden Grove remove itself from the Orangeline Development Authority.

Councilman Leyes commented that this plan would not have worked unless the City of Garden Grove was willing to approve approximately 1500 new high-density homes along the old Pacific Electric Right-of-Way.

AMENDMENT TO THE MUNICIPAL CODE REGARDING SELECTION OF COMMISSION MEMBERS, AS REQUESTED BY COUNCILMAN ROSEN  
(F: 122.1)(XR: 50.2)

Councilman Rosen indicated that this item was continued from the meeting of April 22, 2003, to allow time for the City Attorney to come back with two proposed versions of the ordinance dealing with the removal of commission members. He reviewed both versions and noted that he would like to fine-tune them both and bring them back for consideration.

Mayor Broadwater indicated he believes if a Commissioner needs to be removed, that should be done by the full Council.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that this matter be continued to June 10, 2003.

RENEWAL OF CITY MEMBERSHIP IN THE ORANGE COUNTY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES (F: 74.11)

An invoice for 2003 dues in the amount of \$22,274.00 from the Orange County Division of the League of California Cities, dated February 21, 2003, was introduced, along with a staff report dated May 27, 2003.

Councilman Rosen noted that the League has increased both its budget and every city's dues. He suggested the dues we pay to the League be our lowest priority in light of the state budget issue. Furthermore, no organizational dues should be paid until further notice.

Councilman Leyes noted that in deference to the League, we should let them know we will not be paying the 2003 dues.

Councilman Leyes moved that the City of Garden Grove not pay the Orange County Division of the League of California Cities dues for 2003. The motion died for lack of a second.

Councilman Rosen noted he cannot support the motion inasmuch as our position is pretty clear, that we are not going to pay the dues until the State budget crisis is resolved.

In response to an inquiry by Councilman Rosen, the City Manager noted that four or five other cities have not paid their dues yet.

CITY MEMBERSHIP IN SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) (F: 74.16)

Councilman Leyes inquired what the SCAG dues are.

Councilman Tran responded that the dues are approximately \$12,000.00 a year.

Councilman Leyes commented that we joined SCAG over a year ago so Councilman Tran could serve on one of their committees. He noted the committee meets almost monthly, and minutes are posted on the internet. He further noted that out of 12 meetings, Councilman Tran was absent for all but two, for which he was late. Considering the cost of the dues, he does not believe Councilman Tran's serving on that committee is worth the City's expenditure for the dues.

Councilman Tran responded that he sometimes does not sign the attendance sheet at those meetings, and he pointed out that he does not get any fees for serving on the committee. He has missed some meetings held in the middle of the day in downtown Los Angeles because of work commitments; however, he receives agendas and reports on a very regular basis.

It was moved by Councilman Leyes, seconded by Councilman Tran, "in the spirit of cooperation and in light of the State budget crisis," and carried by unanimous vote, that the City withdraw its membership from SCAG.

DISCUSSION CONCERNING OPPOSITION TO OCTA'S CENTERLINE MASS TRANSIT PROJECT (F: 23.18F)

Councilman Leyes indicated that the proposed OCTA Centerline Mass Transit Project is a waste of money and diverts money from the State transportation improvement project funding that could go to roads. We could amend Measure M and divert that \$300 million back into road programs into the turnback funds for cities. We should not spend \$1.4 billion on a rail system that goes nowhere.

Councilman Leyes moved that the City Council voice its opposition to OCTA's Centerline Mass Transit Project. The motion died for lack of a second.

Councilman Rosen requested that staff obtain copies of the Grand Jury report from about four years ago that was very critical of Centerline; and another Grand Jury report this year that was pro Centerline, and provide them to the City Council.

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 has continued to monitor the situation, especially on Saturdays and Sundays. It was noted that despite an increase in activity level resulting from the opening of Pony baseball in March, there has not been a significant change in the parking levels on the streets. The opening of parking lots at Crosby School and Walton School in February for the soccer groups helped mitigate this impact. Pony baseball has also made a successful effort to inform their members to park on West Street and not on residential streets with "No Baseball Parking" signs.

Staff further noted that a neighborhood meeting was held last week by the architect to design the indoor sports complex at West Haven Park. One of the issues discussed was parking. Two more meetings will be held on June 11 and June 25 where other aspects of that design will be discussed.

Mayor Broadwater suggested that if the West Street location does not work out for the gymnasium, staff should consider the back of Atlantis Park as a possible alternate site, noting that in most instances there would be more than enough parking there.

Councilman Leyes commended the Mayor for his willingness to consider another site, and suggested that the City work with the School District on this project, noting the close proximity of a high school in that location that could provide additional parking when necessary.

Mayor Broadwater requested a copy of the report presented by staff be mailed to Ms. Streich-Harrell.

CONSIDERATION OF PROHIBITION OF THE USE OF EMINENT DOMAIN POWER FOR ACQUISITION OF RESIDENTIAL PROPERTIES IN REDEVELOPMENT AREAS  
(F: A-127.1)

Councilman Tran referenced a memorandum dated May 27, 2003, along with a draft ordinance and resolution, noting that he is presenting this in response to citizens of Garden Grove who believe that redevelopment in Garden Grove has been abused. The City should take a formal position to prohibit the use of eminent domain power with respect to acquisition of residential homes located within project areas, and he referenced the draft ordinance. Additionally, he referenced the draft resolution, which would initiate formal redevelopment amendment processes leading to the formal establishment of a prohibition of the eminent domain power for this purpose within the text of the redevelopment plans already adopted by the City. He noted that these two tools will send a very clear message and assure the residents of the city that the Council is seriously considering their concerns and is also considering taking a look at the power of the City in terms of eminent domain against residential family homes.

Councilman Leyes expressed his support for Councilman Tran's proposal, commending him for changing his mind about this subject and referencing past votes cast in terms of using eminent domain against residential property last July.

He expressed concern that the City Council could change its mind at any time on the subject of eminent domain when the law is set by resolution or ordinance and not by the voters. Councilman Leyes then read from minutes of the July 2, 2002, redevelopment hearing where the use of eminent domain was approved on a three to two vote, with Councilman Dalton and Councilman Leyes voting no.

Councilman Leyes inquired into the cost to amend the Redevelopment Plan and to hold an election for a vote on the use of eminent domain.

Councilman Tran took issue with Councilman Leyes comments and allegations. He noted that a vote was taken last summer to include the area within the redevelopment zone; however, no specific vote was taken to take any homes, and this Council has not initiated eminent domain powers against any residences.

Mayor Broadwater noted that, relative to Harbor Boulevard, in Closed Session discussions certain commitments have been made in conducting negotiations with various individuals; and he asked the City Attorney if the Council can revisit those commitments in Closed Session that were made on projects that have to do with eminent domain. The City Attorney responded in the affirmative. Mayor Broadwater indicated he would like to do that.

Councilman Tran reviewed his resolution and the time frame needed to amend the redevelopment plan.

Councilman Leyes noted that he has worked with community leaders in the last ten months on the subject of eminent domain, and they believe this important issue should be submitted to the voters as a restriction on condemnation; therefore, he has proposed an initiative to be voted on by the people that if approved, could only be repealed or modified by the voters rather than three members of the Council.

Councilman Leyes noted that he would be happy to support Councilman Tran's two items; and he invited him to sign his initiative for submittal to the City Clerk processing.

Councilman Tran advised Councilman Leyes that he will read his document and get back to him. However, he pointed out that the ordinance and resolution he has offered this evening would take effect much sooner.

Councilman Rosen moved to refer Councilman Tran's proposed documents and Councilman Leyes' initiative measure to staff and the City Attorney for analysis. Additionally, inasmuch as the Redevelopment Agency last year promulgated \$20 million in bonds, \$10 million of which was intended to be used to purchase property to build hotels south of the Crowne Plaza, and that purchase would necessarily entail the purchase of certain residential properties on Thackery, he would like some analysis as to whether either of these proposals impair the bonds, and whatever else needs to be examined to make a determination as to the propriety of either of these measures, along with costs for the initiative and a General Plan Amendment.

The City Attorney noted the analysis would be a good idea, and suggested the Agency Counsel also be included.

Councilman Tran indicated he will withdraw his ordinance and resolution pending further analysis, and he seconded the motion made by Councilman Rosen.

The foregoing motion carried by unanimous vote.

#### FURTHER COMMENTS BY COUNCILMEMBERS

Councilman Leyes announced that long-time community resident and volunteer, Barbara Sulzbach, suffered a very serious illness and is recovering nicely. (F: 53.1)

Councilman Dalton noted that he had requested that the City Clerk see if the Council Meeting on May 13, 2003, could be changed to another date because of a vacation conflict. He was advised that inasmuch as there was nothing pressing, there was agreement among the Council, except for one individual, that the meeting be canceled. (F: 53.1)

Councilman Leyes commented that he was at the Council Chamber on



May 13, 2003, at which time approximately 50 people showed up. He met with the people, and he noted that the meeting was very constructive and interesting, with a lot of complaints. (F: 53.1)

#### ADJOURN TO CLOSED SESSION

At 12:10 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; and Police Chief, Joe Polisar.

#### RECONVENE IN OPEN SESSION

At 12:34 a.m. on Wednesday, May 28, 2003, 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 12:35 a.m., on Wednesday, May 28, 2003, the meeting was declared adjourned in memory of Sandy Dalton's mother, Beverly Koerner. (F: 46.9)

RUTH E. SMITH  
CITY CLERK