

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, June 10, 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; Finance Director, Anthony Andrade; Fire Chief, Keith Osborn; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

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

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Jordan Intermediate School Air Filters team students Ahmad Qazi, Alex Truong, Elgine Rodriguez, and Coach Kimberly Parker, semi-finalists in the 2002-03 Christopher Columbus Awards, and presented each of them with a Certificate of Recognition and gift in honor of their team's outstanding accomplishment. (F: 52.3)

ORAL COMMUNICATIONS – PUBLIC

Joseph Pak, advisor to the Korean Senior Association of Orange County, addressed the Council, urging approval of the agenda item concerning the Cooperative Agreement with the Korean American Senior Association and the Orange County Transportation Authority. (F: 53.3) (XR: 55) (XR: 87.8)

Beatrice Jones addressed the Council, urging approval of the agenda item concerning a proclamation designating Juneteenth Holiday and Juneteenth Celebration Orange County. (F: 53.3) (XR: 83.1)

Diane Streich-Harrell addressed the Council concerning ongoing parking problems occurring in the neighborhoods around West Haven Park and urging that another site be selected for the proposed gymnasium. (F: 53.3) (XR: 73.12a) (XR: 75.1)

Bob Snell addressed the Council, urging that development projects be stopped until the budget turns around, citing a negative impact on the Police Department because of the inability to hire additional officers. (F: 53.3) (XR: 57.1) (XR: 82.1)

Charles Mitchell addressed the Council and announced an American Legion event in Westminster on June 23 at 7:30 p.m., where a presentation is being made on preventative eye care. (F: 53.3)

Maureen Blackman and Toby Rubin addressed the Council, alleging violation of California Public Resource Code 21092(b)(1) in regards to the notification of proposed projects and requesting a moratorium on all projects until the City complies with this code section dealing with a review period and address where documents are available for review. (F: 53.3) (XR: 45.2)

Mayor Broadwater directed the City Clerk to look into this matter.

Tony Flores addressed the Council concerning alleged notification violations, and his lawsuit against the Mayor, reviewing his terms of settlement. (F: 53.3)

Janine Fowler, representing the Central Garden Grove Neighborhood Association, addressed the Council and invited all residents and business owners in Garden Grove to join the Association. (F: 53.3) (XR: 130.19)

PROCLAMATION – JUNETEENTH HOLIDAY AND JUNETEENTH CELEBRATION
ORANGE COUNTY (F: 83.1)

It was moved by Mayor Broadwater, seconded by Councilman Dalton, and carried by unanimous vote, that June 14, 2003, be and hereby is proclaimed as Juneteenth Holiday and Juneteenth Celebration Orange County.

FINAL PARCEL MAP NO. PM 2002-196 AND SUBDIVISION AGREEMENT
(F: 116.PUD-144-02) (XR: 106.135) (XR: 118.PM-2002-196)

Staff report dated June 10, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that Final Parcel Map No. PM 2002-196 and Subdivision Agreement with Burke Knott Avenue, LLC, for property located on the southeast corner of Knott Street and Patterson Drive, at 11450 Knott Street, be and hereby are approved; and the Mayor and City Clerk are authorized to execute the agreement.

AWARD OF CONTRACT FOR THE APPLICATION OF AN ELASTOMERIC ROOF COATING SYSTEM AT THE COMMUNITY MEETING CENTER AND SENIOR CENTER (F: 55) (XR: 48.4) (XR: 24.1)

Staff report dated June 10, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that Howard Roofing Co., Inc., be and hereby is determined to be the lowest acceptable bidder in connection with the application of an elastomeric roof coating system at the Community Meeting Center and Senior Center, and that contract for said project be and hereby is awarded to said company in the sum of \$25,990.00, 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.

AGREEMENT WITH GARDNER, UNDERWOOD & BACON, LLC., FOR FINANCIAL SERVICES RELATING TO BOND ISSUANCE (F: A-34.8) (XR: 60.1) (XR: A-34.7)

Staff report dated June 10, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Gardner, Underwood & Bacon, LLC, for financial services relating to the refunding of the 1993 Tax Allocation Bonds, Water Revenue Bonds, and the Certificates of Participation, be and hereby is approved; and the Finance Director and City Clerk are authorized to execute the agreement.

AGREEMENT WITH THE COUNTY OF ORANGE TO UTILIZE THE COUNTY'S JUVENILE WORK PROGRAM TO ASSIST WITH THE CLEANUP OF VARIOUS RESIDENTIAL, COMMERCIAL, AND PUBLIC PROPERTIES THROUGHOUT THE CITY (F: 55) (XR: 57.1)

Staff report dated June 10, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the County of Orange, to utilize the County's Juvenile Work Program to assist with the cleanup of various residential, commercial, and public properties throughout the city, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT WITH ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA, INC., FOR THE CONTINUED PROVISION OF ENGINEERING SERVICES ON AN AS-NEEDED BASIS (F: 55) (XR: 24.11)

Staff report dated June 10, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Engineering Resources of Southern California, Inc., for the continued provision of engineering services on an as-needed basis, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

COOPERATIVE AGREEMENT WITH THE KOREAN AMERICAN SENIOR ASSOCIATION AND THE ORANGE COUNTY TRANSPORTATION AUTHORITY, NAMING THE CITY AS THE FISCAL RECEIVING AGENT FOR THE ASSOCIATION'S NEW SENIOR MOBILITY PROGRAM (F: 55) (XR: 87.8)

Staff report dated June 10, 2003, was introduced.

It was moved by Mayor Broadwater, seconded by Councilman Dalton, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove, the Korean American Senior Association and the Orange County Transportation Authority, naming the City as the fiscal receiving agent for the Association's new Senior Mobility Program, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

PROJECT NO. 7237, STREET REHABILITATION AT VARIOUS LOCATIONS IN THE CITY (PHASE III) - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 96.proj.7237)

Staff report dated June 10, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that Project No. 7237, Street Rehabilitation at Various Locations in the City (Phase III), be accepted as complete as of this date; the Finance Director is authorized to release the retention payment to R. J. Noble Company when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

PROJECT NO. 7163, MAGNOLIA/CHAPMAN INTERSECTION IMPROVEMENTS - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 96.proj.7163)

Staff report dated June 10, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that Project No. 7163, Magnolia/Chapman Intersection Improvements in the City (Phase III), be accepted as complete as of this date; the Finance Director is authorized to release the retention payment to All American Asphalt when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

2002-03 STREET REHABILITATION (OVERLAY) PROJECT – ACCEPTANCE OF CONTRACT AS COMPLETE (F: 55) (XR: 24.2)

Staff report dated June 10, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the 2002-03 Street Rehabilitation (Overlay) Project, be accepted as complete as of this date; the Finance Director is authorized to draw a warrant in the amount of \$718,019.17 and release the retention payment to All American Asphalt when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

AWARD OF PURCHASE FOR SIGN FABRICATION EQUIPMENT AND SOFTWARE – PUBLIC WORKS DEPARTMENT (F: 24.1) (XR: 60.4)

Staff report dated June 10, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that a purchase order for specified sign fabrication equipment and software for the Police Department be and hereby is awarded to Denco Sales in the amount of \$21,415.31

WARRANTS (F: 60.5)

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that regular warrants 289051 through 290437, and payroll warrants 128566 through 128806, Direct Deposits D77348 through D77912, and Wires W737 through W740, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

RECESS

At 7:34 p.m., the Mayor declared a recess.

RECONVENE

At 7:51 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

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 on May 27, 2003, at which time it was continued to this date at the request of the applicant.

Staff report dated June 10, 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.

Charles Siroonian, President of Trails End RV Storage, addressed the Council and introduced Steve Rose, landscape architect. Mr. Rose noted that he has worked on the project from the beginning. He noted that the applicant's proposal is to leave the front the same, which includes a 30-foot setback and to keep a hundred feet back on both sides of the development. Then, rather than doing the chain link fence, which has some security and long-term maintenance issues, they are proposing to put in a cinderblock wall and a creeping vine, which they believe would be an improvement. There would also be a drip irrigation system.

Councilman Rosen asked if there is anything in the current Planning Commission resolution that would prevent the building of the block wall behind the five feet of landscaping. Staff responded in the negative.

Mayor Broadwater clarified that the applicant would only be picking up five feet on the east side.

Omar Dadabhoy, representing the City of Stanton, addressed the Council, noting he is unfamiliar with the new landscaping proposal. He noted that the City of Stanton opposes the CUP modification. He noted that they would like the opportunity to review the new proposal. He asked that the modification to the CUP be rejected and that the item go back to the Planning Commission.

Tanya Manis addressed the Council on behalf of the homeowners of the Pageant Homes. She noted that her main concern about the block wall fence is there is a railroad track that runs along there, and if there is a block wall on the other side of the railroad tracks, the wall will act as a sound wall toward the neighbors. She asked that the original proposal not be changed.

Scott Nickell addressed the Council, noting that he is a resident of the Pageant Homes, and he asked that the appeal be denied and the Planning Commission decision be upheld.

Ray Littrell addressed the Council, noting that he is a resident in the area. He reviewed another similar project on Lampson Avenue and it looks lousy and should be addressed. We need nothing less than a first-class project with a good-looking frontage to Chapman Avenue.

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

Mr. Rose was invited to address the Council and respond to the comments made, noting that the block wall will stop the noise from all the industry. He referenced noise studies they have done, and he believes the Planning Commission would have supported the vines on the block wall if he had offered that.

Councilman Dalton asked how often trains run on the track in that area. Mayor Broadwater responded three times a day.

Councilman Leyes noted that he is inclined to support the neighbors request to uphold the Planning Commission's decision. The conditions are reasonable and more or less consistent with other similar projects along this right-of-way. He commented that the modified proposal is interesting; however, he is not presently prepared to judge this version. Perhaps a prudent course of action might be to refer this back to the Planning Commission. He asked the City Attorney if the Council were to deny the appeal, could it be referred back to the Planning Commission with the new information.

The City Attorney noted that if the appeal were denied without prejudice, the applicant would not have to re-file a brand new plan.

Councilman Tran suggested the matter be referred back to the Planning Commission inasmuch as the applicant has changed the circumstances and stated that he believes the Planning Commission would support the new modification.

Councilman Rosen noted he supports keeping the five-foot landscape that the Planning Commission approved, and he has no objection to it going back to the Planning Commission to consider whether an eight-foot wall would be appropriate in addition to the five-foot landscaping. But he cannot support an eight-foot wall in place of five-foot landscaping. The Southern California easement has been a real problem for the City because Southern California Edison has refused to accommodate the City in some of the uses that could have been put there. He would have liked to see a large part of that easement be used for open space, for parkland, or maybe cultural additions. But the City has had no cooperation at all from them. They wanted to put Ecology Auto Parts on one of these strips of land, which was controversial at the time. And ultimately it didn't even make its way to the City Council. He is concerned about this being a reverse sound wall that actually increases the noise to the neighbors. And he expressed the hope that staff or the Planning Commission or a noise consultant would look at that. He noted that he would support the resolution to the extent that it maintains the five feet of landscaping.

Councilman Dalton noted that he could support the wall with the five-foot landscaping.

Mayor Broadwater noted that the wire fence looks terrible. He further noted that the City does not do well with enforcing landscaping. The applicant has more usage by putting in the wall. If this goes back to the Planning Commission, let them take a look at the whole picture. The railroad noise three times a day is not as bad as living next to a freeway. He suggested the railroad should plant grass along there. He further noted that the Orange County Transit Authority has done the City a disservice with the way they control the right-of-way.

The City Attorney suggested in light of the comments, that the appropriate motion would be to deny the appeal without prejudice with referral back to the Planning Commission with a statement of preference for the five-foot setback, eight-foot wall, which would mean there would be no further administrative charges to the applicant.

Mayor Broadwater indicated he could not support that motion. The Planning Commission should be allowed to do their job without tying their hands on the five-foot setback direction.

Councilman Leyes moved that the appeal be denied without prejudice, which would allow the applicant to go back to the Planning Commission with alternative proposals. He indicated he does not necessarily disagree with the five-foot requirement. It is the superior alternative for the neighborhood and for the City and for beautifying and reusing that parcel, but if the Planning Commission still wants to maintain the five feet, they can determine that and perhaps it will not come back to the City Council.

Councilman Rosen seconded the motion, but asked the City Clerk to make sure to identify in the minutes the comments of each Councilmember who expressed favoring the five-foot landscaping so that the Planning Commission has some guidance if it ever goes back. The applicant always has the option of simply withdrawing the appeal, which would result in the status quo.

Councilman Leyes clarified that there is nothing in the current CUP that would prohibit doing a block wall and the five-foot landscaping, but the requirement is for the five-foot landscaping and the chain link fence.

Said motion to deny the appeal without prejudice, which would allow the applicant to go back to the Planning Commission with alternative proposals, carried by the following vote:

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

AWARD OF CONTRACT FOR PROJECT NO. 7237, STREET REHABILITATION AT VARIOUS LOCATIONS IN THE CITY (PHASE IV) (F: 96.proj.7237)

Staff report dated June 10, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that R. J. Noble Company, be and hereby is determined to be the lowest acceptable bidder in connection with Project No. 7237, Street Rehabilitation at Various Locations in the city (Phase IV); and that contract for said project be and hereby is awarded to said company in the sum of \$1,243,617.50, 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 PROJECT NO. 7493, LAMPSON AVENUE WATER, SEWER, AND STORM DRAIN IMPROVEMENTS (PHASE III) (F: 92.proj.7493)

Staff report dated June 10, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that KEC Engineering, be and hereby is determined to be the lowest acceptable bidder in connection with Project No. 7493, Lampson Avenue Water, Sewer, and Storm Drain Improvements (Phase III); and that contract for said project be and hereby is awarded to said company in the sum of \$1,665,980.50, in accordance with the terms of the City's plans and specifications and the bid submitted by said company; that all other bids be and hereby are rejected; and the Mayor and City Clerk are authorized to execute said contract.

INITIATION OF PROCEEDINGS FOR MAIN STREET ASSESSMENT DISTRICT NO. 1 FOR 2003-2004, APPROVING THE ENGINEER'S REPORT AND SETTING PUBLIC HEARING FOR JULY 8, 2003 (F: 31.4) (XR: 122.6)

Staff report dated June 10, 2003, was introduced.

RESOLUTION NO. 8507-03

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8507-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING ITS INTENTION TO ORDER THE MAINTENANCE OF CERTAIN IMPROVEMENTS IN THE "MAIN STREET ASSESSMENT DISTRICT NO. 1" IN THE CITY OF GARDEN GROVE DESCRIBING THE DISTRICT TO BE BENEFITED AND TO PAY THE COSTS AND EXPENSES THEREOF, AND SETTING THE TIME AND PLACE FOR THE HEARING ON THE QUESTION OF THE LEVY OF THE PROPOSED ASSESSMENT, 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)

The City Manager noted that a public hearing on this matter was held and closed on April 8, 2003, and a decision was continued to May 27, 2003, at which time it was subsequently continued to this date. He noted that staff is currently working with Viacom Outdoor relative to the answers to some questions. It is hoped that information will be obtained by the next City Council meeting.

In response to an inquiry by Councilman Rosen, the City Attorney responded that he does not believe there is a problem with continuing this matter for two weeks.

Councilman Rosen commented that the Gilbert Street matter is scheduled for that agenda, which will take a lot of time; and he asked if this could be continued for four weeks without endangering any statute problems.

The City Attorney recommended this matter be continued to July 8, 2003, noting he is quite sure the appellant will not have a problem with that, but he will check with him.

It was moved by Councilman Rosen, seconded by Councilman Tran, that this matter be continued to July 8, 2003, subject to modification if four weeks would be prejudicial.

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

Communication dated June 10, 2003, from the City Manager was introduced, recommending that this matter be tabled and the City Manager be directed to use his discretion authorized by the ordinance that adopted the established water rates.

The City Manager noted that the change that the Orange County Water District is doing would cost the water corporation \$1.1 million, which will put us out of balance by roughly that amount. They are reducing the amount of water we can pump out of the ground, which is relatively inexpensive water, and to make up that difference we have to buy water from MWD, and that water is almost twice as expensive as our ground water.

Councilman Rosen noted the line item for purchased water is \$9 million for the next fiscal year, which is about half of all of the operating expenditures. He asked the Public Works Director if he had tried to make any cuts to try to balance the budget so we wouldn't have to do this.

The Public Works Director noted that so much has been mandated by the State of California because of Clean Drinking Water standards, we would be hard pressed to make further reductions without putting that at risk.

The City Manager noted that over the past years the state and federal governments have both passed unfunded mandates onto public agencies and water agencies.

In response to an inquiry by Councilman Rosen, the City Attorney indicated that the current ordinance sets out a schedule that authorizes the City Manager to make increases, but it is aligned with actual documented increases in the water charges.

Councilman Rosen clarified that the request is to allow the City Manager to use his discretion to make that commodity adjustment, which at maximum corresponds to the increase in what we are paying for water. And to meet the bonding requirement, we would have to raise the commodity two percent in order to comply with our bond requirements, and the maximum would be ten percent.

The Finance Officer spoke about the financial ramifications of this matter.

Mayor Broadwater moved that the commodity rate be increased by nine cents.

Councilman Rosen moved that the City Manager be directed to use his discretion authorized by the ordinance on the commodity rate increase that the City Attorney referred to up to 9 cents per billing unit.

Mayor Broadwater withdrew his motion and seconded Councilman Rosen's motion.

Councilman Leyes commented that he cannot support this, because he believes there is still a chance to change that.

Councilman Leyes commented that he does not believe "discretion" is a good word; it is a commodity rate adjustment, and there might be some legal distinction. He indicated that he believes the City did not fight hard enough against the Orange County Water District's increase, and it wound up being a political decision. And that is why he cannot support this increase.

Councilman Rosen commented that he also felt it was wrong to make the increase, but the realities of what happened need to be dealt with, and if OCWD changes that policy, his motion would give the City Manager the ability to reduce the increase.

The foregoing motion carried by the following vote:

AYES: COUNCILMEMBERS: (3) ROSEN, TRAN, BROADWATER
NOES: COUNCILMEMBERS: (1) DALTON, LEYES
ABSENT: COUNCILMEMBERS: (0) NONE

CONSIDERATION OF NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT LOCAL IMPLEMENTATION PLAN (LIP) AND ITS SUBMITTAL TO THE COUNTY OF ORANGE FOR INCLUSION IN THE REQUIRED DRAINAGE AREA MANAGEMENT PLAN (DAMP) SUBMITTAL TO THE SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD (F: 112.15)

Staff report dated June 10, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the County's negative declaration on the DAMP/LIP is the controlling environmental document for the City's NPDES Stormwater Permit LIP; that the City's NPDES Stormwater Permit LIP, subject to modification as requested by the Santa Ana Regional Water Quality Control Board and subject to periodic update under the direction of the Public Works Director, be and hereby is approved; and authorize the submittal of the LIP to the County of Orange for inclusion in the required DAMP submittal to the Santa Ana Regional Water Quality Control Board.

CONSIDERATION OF AMENDING THE GARDEN GROVE MUNICIPAL CODE RELATING TO STORM WATER QUALITY (F: 50.2) (XR: 112.15)

Staff report dated June 10, 2003, was introduced.

ORDINANCE NO. 2603 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING SECTIONS 6.40.030 AND 6.40.050 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO STORM WATER QUALITY

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2603 be waived, and said Ordinance be and hereby is passed to second reading.

RECESS

At 8:54 p.m., the Mayor declared a recess.

RECONVENE

At 9:06 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

SECOND READING OF ORDINANCES NO. 2600 AND NO. 2601
(F: 116.PUD-100-03) (XR: 106.138)

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinance No. 2600, be waived.

ORDINANCE NO. 2600 was presented for second reading and adoption and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING 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 Tran, seconded by Councilman Leyes, and carried by unanimous vote, that Ordinance No. 2600 be and hereby is passed.

ORDINANCE NO. 2601 was presented for second reading and adoption and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN 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 Tran, seconded by Councilman Dalton, and carried by unanimous vote, that Ordinance No. 2601 be and hereby is passed.

APPOINTMENT TO THE BOARD OF APPEALS (F: 122.2c)

Mayor Broadwater announced that he was pulling this item.

APPOINTMENT TO THE GARDEN GROVE SANITARY DISTRICT ADVISORY COMMISSION (F: S-122.1A)

Mayor Broadwater announced that he was pulling this item.

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

It was noted that this item was continued from the Council meeting of May 27, 2003.

Councilman Rosen noted that two versions of the amendment have been submitted for consideration: Version 1 stating that the appointing Councilmember has the right to remove his or her appointee; and Version 2

stating that the Council has to vote on the removal of an appointee at the request of the appointing Councilmember.

Councilman Dalton moved, seconded by Councilman Tran, the approval of Version 2.

Councilman Leyes commented that both versions have advantages; however, he would like to see this become effective immediately rather than in November of 2004.

Councilman Leyes made a substitute motion that Version 2 be adopted with a change in Section 1, being that the ordinance takes effect 30 days after second reading. Motion died for lack of a second.

Councilman Rosen commented that he wanted to do this so it would not be any more politically charged than it had to be and is not pointed at any particular individual.

Councilman Leyes noted that if there is something wrong with the current system, it should be fixed now; however, he will support the change.

ORDINANCE NO. 2604 was introduced for first reading and the title read in full, entitled
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN
GROVE AMENDING CHAPTER 2.21 RELATING TO APPOINTMENT AND
REMOVAL OF CITY COMMISSIONERS

It having been moved by Councilman Dalton and seconded by Councilman Tran, full reading of Ordinance No. 2604 was waived, and said Ordinance was passed to second reading by unanimous vote.

DISCUSSION CONCERNING THE DEVELOPMENT ON THE SOUTHWEST CORNER
OF EUCLID STREET AND WOODWARD LANE, AS REQUESTED BY COUNCILMAN
ROSEN (F: 116.PUD-137-01)

Councilman Rosen indicated that he received a letter from a resident on Woodward Lane complaining about how slowly the project was moving, with sidewalks being blocked and disruption to the neighborhood. Councilman Rosen requested a report on the situation. He also noted that this was an infill project, and at the very least provisions should be included in the development agreements or there should be an ordinance setting forth stricter standards so that neighbors are not disrupted by construction and construction is not delayed.

The City Manager noted that this project has gone slower than anyone had anticipated. He noted that one of the problems is that the superintendent has not been as customer service friendly with the neighbors as he should have been, and that is being corrected by the developer and issues are being resolved. The developer has been instructed to pave the sidewalks temporarily with asphalt until he is ready to put the concrete in. The site will

be cleaned up and made more compatible with the neighborhood and the using public in that area. As far as avoiding this type of problem in the future, the City Manager noted that staff will be talking about that subject and will come back with some ideas to address that.

Councilman Dalton noted that this project was approved with a developer, and then the project was sold to another developer. He asked whether provisions such as monetary fines could be put in place to enforce time frames for completion of projects.

The City Manager noted there are already controls that can be enforced. He noted that the City has control over what the developer does in the public right of way and what he does on adjacent properties.

Councilman Dalton noted that problematic situations that occurred with this project, such as the height of the wall and landscaping, should not have been situations the City had to deal with.

Staff noted that the developer was to have resolved the sidewalk situation by this Thursday.

Councilman Dalton requested that an update on this be provided at the next Council meeting.

Councilman Leyes commented that he does not necessarily believe there should be any additional requirements of the developers, inasmuch as it is in large part a matter of enforcement, some of which is influenced by the City's dedication of resources.

Councilman Leyes suggested using an abundance of caution in complying with code requirements on notifications, especially the notification radius, suggesting possibly exceeding the 300-foot requirement to 500 or 600 feet. This adds cost, but there is a need to establish a level of comfort in the community that the City is working with them, not against them. He noted that it is better to get input from the residents in advance. The City wants the good developers to stay and work with the neighborhoods.

CONSIDERATION OF PETITIONING OCTA TO ABANDON THE CENTERLINE MASS TRANSIT PROPOSAL AND REVIEW OPTIONS TO REDISTRIBUTE THOSE FUNDS TO ORANGE COUNTY CITIES, AS REQUESTED BY COUNCILMAN LEYES

(F: 23.18F)

Mayor Broadwater commented that he was not in favor of doing anything about this inasmuch as we are in OCTA negotiations on the 22 Freeway, and in his opinion we are beating a dead horse on the CenterLine project.

Councilman Leyes noted that Garden Grove would receive probably over \$10 million if these funds were distributed. Mass transit funds should be used for the 22 project, and the City should be engaged in that entire process. He

agreed that the CenterLine is a dead horse; however, the City should take a leadership position in the process of how to use the Measure M money, the Transportation Improvement Program money, the air quality money, and the congestion relief program money more wisely.

Councilman Tran noted that in light of the fact that we are building a pipeline of credibility with OCTA and other regional agencies, we should look at ways to engage in dialogue that would engender trust and credibility, and bring in the officials from OCTA to address our needs. That approach should be tried first.

Mayor Broadwater commented that the City has a contract with Caltrans for the maintenance of intersections. OCTA is not overhauling the 22 Freeway; they are trying to add a lane, and one of the things they want to eliminate is that contract we have with Caltrans. He noted that his position has been that the City would go into court before it would permit that to happen. He would rather see the Magnolia intersection overhauled before the 22 Freeway widened.

Councilman Leyes commented that we should be advocating on behalf of the taxpayers of Garden Grove and not kowtowing to the bureaucracies.

Councilman Rosen indicated that as an attorney he represented several citizens groups who sued the OCTA both before and after Measure M passed, and he provided some background information on his history with OCTA in that regard. He noted that the Council might look differently at Councilman Leyes' proposal if it actually had a legislative effect rather than simply being a statement of "petitioning" that would not have any immediate effect.

Councilman Rosen and Councilman Dalton agreed that this is probably not the right time to address this.

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

Staff provided a status report concerning the parking issues on West Street and adjacent residential streets, noting that staff is aware of the concerns about the sports complex in this neighborhood, and other sites are being considered.

FURTHER COMMENTS BY THE MAYOR AND COUNCILMEMBERS

Councilman Leyes expressed Happy Birthday wishes to Proposition 13, noting that it has been 25 years since its inception. (F: 53.1)

He also requested a report relative to Code requirements for front yard security fences. He suggested a possible amnesty for people with security fences who have made an investment and kept up their property without ill intent. (F: 53.1) (XR: 80.2)

Councilman Dalton noted that Councilman Rosen and he attended a check presentation at Fire Station 1 by the Garden Grove Firefighters to Firefighters Quest for Burn Survivors, a very worthwhile cause. (F: 53.1) (XR: 61.1)

Councilman Dalton spoke about the potential State budget ramifications on the Orange County Public Library, noting that the library will continue to operate without any reduction in hours due to money that was set aside over the years by the Library Board. (F: 53.1) (XR: 68.1)

Councilman Dalton noted he attended the Orange County Sanitation District meeting on May 28, 2003, and the big issue was the rate increase. The vote was for implementation of a 15 percent increase, for which he voted no. Councilman Dalton noted that it requires a two-thirds vote at the Orange County Sanitation District meeting on June 25. He encouraged citizens to attend this meeting and voice their opinions against these outrageous fees. He also noted that the reserves in the Orange County Sanitation District are somewhere between \$393 and \$435 million. (F: 53.1) (XR: 23.14) (XR: S-74.2)

Councilman Dalton extended Happy Birthday greetings to his grandson, William Dalton, III, who turned 18 today. (F: 53.1)

Councilman Rosen referenced the Garden Grove Sanitary District proposed rate increase of 72 percent. He noted that hearing will be held on July 21, 2003. The consultant has recommended an increase of that amount. He commented that four years ago he and Councilman Dalton were appointed to a subcommittee and analyzed the proposed rate increase at that time and came back with a significantly lower increase, which was subsequently adopted by the Council. He requested that the meeting of July 21, 2003, be televised so that people at home can see the presentation and the full debate. He further commented that he believes all crucial issues should be televised. (F: 53.1) (XR: S-60.1)

Councilman Rosen extended Happy Birthday greetings to his daughter Rachel, who will turn 19 on Thursday. (F: 53.1)

Mayor Broadwater referenced a property in the city, inhabited by two senior citizens, that is in complete disrepair. He suggested staff look for some kind of mechanism to fix up the property, such as the City putting money into it and then liening it on the sale of the property, or getting some service organizations to clean it up. He commented that the City not enforcing its laws opens up lawsuits. He expressed concern that other situations like this may exist elsewhere in the city. (F: 53.1) (XR: 80.2)

ADJOURN TO CLOSED SESSION

At 9:58 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 10:24 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 10:25 p.m., the meeting was declared adjourned to Monday, June 16, 2003, at 5:00 p.m. in the Founders Room of the Community Meeting Center, 11300 Stanford Avenue.

RUTH E. SMITH
CITY CLERK