

## 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 24, 2003, at 7:03 p.m.

ROLL CALL: PRESENT: (5) MAYOR BROADWATER, COUNCILMEMBERS  
DALTON, LEYES, ROSEN, TRAN

ABSENT: (0) NONE

ALSO PRESENT: City Manager, George Tindall; Assistant City Manager/Community Development Director, Matthew Fertal; Assistant City Manager/Public Works Director, Les Jones; Community Services Director, Cal Rietzel; Fire Chief, Keith Osborn; Personnel Services Director, Steve Larson; Deputy Police Chief, Scott Jordan; 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 Lake Intermediate School students Candice Steadman, Joshua Leimbach, Charles Bunnell, Alex Troung, Wayne Gillette, and Advisor, Caren Glowalla, 2003 eCYBERMISSION Science Competition First Place Regional Criteria Award recipients, and presented them with Certificates of Recognition and gifts in honor of their outstanding accomplishment. (F: 52.3)

#### PRESENTATION OF GRAND JURY REPORT

Margaret Edwards, Beth Spencer, and Larry Callahan, members of the 2002-03 Orange County Grand Jury, addressed the Council and presented their 2002-03 Final Report. They spoke of their positive experience and encouraged citizens to apply for this important job. (F: 23.1)

#### ORAL COMMUNICATIONS – PUBLIC

Pam McNames addressed the Council concerning parking issues on Shetland and John, stressing that something has to be done. People are not paying

attention to the signs, and the residents have to police the situation. (F: 53.3) (XR: 75.1)

Joseph Pak, President of the Sister City Association of Garden Grove, addressed the Council concerning the upcoming Student Exchange Program with our sister city Anyang. (F: 53.3) (XR: 102.1)

Ray Littrell addressed the Council concerning the extension of the agreement with Care Ambulance Service. He praised the City's paramedic team and suggested that the paramedics transport people in need to the hospital. He noted that there should be more than \$1 million in profits that the City could keep. He noted that Long Beach and Huntington Beach perform those services. He further noted that charges are being placed upon charges. (F: 53.3) (XR: 26.1) (XR: 61.2)

Diane Streich-Harrell addressed the Council, providing an update on the parking issues on West Street and adjacent residential streets. She urged that the proposed sports complex be built in Garden Grove Park and that additional parking be provided at West Haven Park. (F: 53.3) (XR: 73.12a) (XR: 73.5)

Tony Flores addressed the Council concerning Flores v. Broadwater. He provided materials to the Council and reviewed portions of that material. He indicated that the Mayor and Councilman Rosen should not be present during discussions of that matter. He also urged the Council to stop overbuilding in Garden Grove. (F: 53.3)

#### RECESS

At 7:35 p.m., the Mayor declared a recess.

#### RECONVENE

At 7:46 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

#### CLAIMS FOR DAMAGES (F: 49.2)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that claims submitted by Will B. King, be and hereby are denied.

#### RESOLUTION ENDORSING POLICIES TO ENCOURAGE INVESTMENT IN LOCAL TELECOMMUNICATIONS SERVICES IN CALIFORNIA, INVESTMENT IN LOCAL COMMUNITIES, AND INCREASED EMPLOYMENT OPPORTUNITIES (F: 121.2G)

Councilman Leyes expressed concern with a portion of the proposed draft Resolution that requires telecommunications companies to report the number

of its union and non-union employees in the state and in each city where it provides service.

Councilman Rosen also expressed concern in that regard and suggested that portion be eliminated.

RESOLUTION NO. 8508-03

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Resolution No. 8508-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ENDORSING POLICIES TO ENCOURAGE INVESTMENT IN LOCAL TELECOMMUNICATIONS SERVICES IN CALIFORNIA, INVESTMENT IN LOCAL COMMUNITIES AND INCREASED EMPLOYMENT OPPORTUNITIES, be and hereby is adopted, as amended to omit the aforementioned portion.

EXTENSION AGREEMENT WITH CARE AMBULANCE SERVICE, INC., TO PROVIDE AMBULANCE SERVICE (F: 55) (XR: 26.1)

Staff report dated June 24, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Extension Agreement by and between the City of Garden Grove and Care Ambulance Service, Inc., to provide ambulance service for seven months, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT RENEWAL WITH WILLDAN CORPORATION TO PROVIDE INSPECTION SERVICES (F: 55) (XR: 35.1)

Staff report dated June 24, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Agreement Renewal by and between the City of Garden Grove and Willdan Corporation to provide inspection services, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

SECOND AMENDMENT TO THE AGREEMENT WITH THE COUNTY OF ORANGE FOR THE PROVISION OF FORENSICS SERVICES BY THE ORANGE COUNTY SHERIFF'S DEPARTMENT (F: 55) (XR: 82.1)

Staff report dated June 24, 2003, was introduced.

Councilman Rosen commented that in our police statistics when we talk about the number of employees and officers we have, these don't get included, noting they are full-time people providing police services for the City. He suggested that they be reflected somehow in our statistics from now on.

Councilman Dalton indicated he would not want them counted as sworn officers.

The City Manager noted that this could be done.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Second Amendment to the Agreement by and between the City of Garden Grove and the County of Orange for the provision of forensics services by the Orange County Sheriff's Department, be and hereby is approved; and the Mayor, Chief of Police, and City Clerk are authorized to execute the agreement.

AGREEMENT RENEWAL WITH VALENTIN H. QUINTANILLA TO PROVIDE STAFFING ASSISTANCE AT THE PERMIT CENTER (F: 55) (XR: 35.1)

Staff report dated June 24, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Agreement Renewal by and between the City of Garden Grove and Valentin H. Quintanilla to provide staffing assistance at the Permit Center, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

ADOPTION OF MEASURE M SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM (F: 23.18C)

Staff report dated June 24, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Measure M Seven-Year Capital Improvement Program be and hereby is adopted; and the Public Works Director is authorized to execute the Maintenance of Effort reporting form and transmit the documentation to OCTA.

RESOLUTION NO. 8509-03 (F: 20.GPA-4-02) (XR: 116.PUD-146-02) (XR: 116.SP-318-02) (XR: 106.139)

It was noted that the City Council formally denied this proposed project at its meeting of May 27, 2003, and directed staff to come back with the appropriate resolution of denial.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8509-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DENYING PLANNED UNIT DEVELOPMENT NO. PUD-146-02, GENERAL PLAN AMENDMENT NO. GPA-4-02, AND DEVELOPMENT AGREEMENT, FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF CHAPMAN AVENUE AND

NUTWOOD STREET, AT 10510 CHAPMAN AVENUE, PARCEL NO. 089-141-61, be and hereby is adopted.

AWARD OF PURCHASE FOR SURVEILLANCE VEHICLE – POLICE DEPARTMENT  
(F: 82.4)

Staff report dated June 24, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that a purchase order for a new surveillance vehicle for the Police Department be and hereby is awarded to Mattman Company as a sole-source provider in the amount of \$104,810.00, which includes the cost of the surveillance equipment.

WARRANTS (F: 60.5)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that regular warrants 290438 through 290864 and Wires W104–W107, and payroll warrants 128807 through 129073, Direct Deposits D77913 through D78473, and Wires W741-W744, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

SECOND READING OF ORDINANCES NO. 2602, NO. 2603, AND NO. 2604

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinances No. 2602, No. 2603, and No. 2604, be waived.

ORDINANCE NO. 2602 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 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 (F: 78.12)

It was moved by Councilman Tran, seconded by Councilman Leyes, and carried by unanimous vote, that Ordinance No. 2602 be and hereby is passed.

ORDINANCE NO. 2603 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 AMENDING SECTIONS 6.40.030 AND 6.40.050 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO STORM WATER QUALITY (F: 50.2) (XR: 112.15)

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that Ordinance No. 2603 be and hereby is passed.

ORDINANCE NO. 2604 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 AMENDING CHAPTER 2.21 RELATING TO APPOINTMENT AND REMOVAL OF CITY COMMISSIONERS (F: 50.2) (XR: 122.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that Ordinance No. 2604 be and hereby is passed.

PUBLIC HEARING – AMENDMENT NO. A-100-03 AND DEVELOPMENT AGREEMENT FOR SITE PLAN NO. SP-322-03 (F: 100.A-100-03) (XR: 106.140) (XR: 116.SP-322-03)

Amendment No. A-100-03 and Development Agreement for Site Plan No. SP-322-03. The Applicant, Orange County Vector Control, is requesting to change the zone from HCSP-OP (Office Professional, Harbor Corridor Specific Plan) to OP (Office Professional) and to consider a Development Agreement to construct a new 6,327 square foot vehicle maintenance and fish rearing facility. The site is located on the northeast corner of Haster Street and Garden Grove Boulevard at 13001 Garden Grove Boulevard.

On May 15, 2003, the City Planning Commission, pursuant to Resolution No. 5360, adopted a negative declaration and recommended approval of A-100-03 and the Development Agreement for SP-322-03, and pursuant to Legal Notice published June 12, 2003, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated June 24, 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.

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

ORDINANCE NO. 2605 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 ZONE AMENDMENT A-100-03 TO REZONE A PARCEL OF LAND FROM HCSP-OP (OFFICE PROFESSIONAL OF THE HARBOR CORRIDOR SPECIFIC PLAN) TO OP (OFFICE PROFESSIONAL), LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD, EAST SIDE OF HASTER STREET, AT 13001 GARDEN GROVE BOULEVARD, PARCEL NOS. 231-111-02, 03

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2605 be waived, and said Ordinance be and hereby is passed to second reading.

ORDINANCE NO. 2606 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 THE ORANGE COUNTY VECTOR CONTROL DIVISION AND THE CITY OF GARDEN GROVE FOR THE PROPERTY LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD AND THE EAST SIDE OF HASTER STREET, AT 13001 GARDEN GROVE BOULEVARD, PARCEL NOS. 231-111-02, 03

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2606 be waived, and said Ordinance be and hereby is passed to second reading.

#### RECESS

At 8:02 p.m., the Mayor declared a recess.

#### RECONVENE

At 8:15 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-102-03, AND A DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-324-03  
(F: 116.PUD-102-03) (XR: 106.141) (XR: 116.SP-324-03) (XR: 111.V-105-03)  
(XR: 103.TT-16433)

Planned Unit Development No. PUD-102-03 and a Development Agreement, And Appeal of Variance No. V-105-03, Site Plan No. SP-324-03, and Tentative Tract Map No. TT-16433, initiated by Brandywine Development Corporation, requesting to rezone the site to a Planned Unit Development, a Variance to deviate from the minimum lot size for a residential PUD, to subdivide 2.7 acres into 14 single-family lots with one common lot, and to construct 14 two-story single-family homes with a Development Agreement. The site is located on the east side of Gilbert Street, north of Stanford Avenue, at 12632, 12642, 12672, and 12692 Gilbert Street.

On May 15, 2003, the City Planning Commission, pursuant to Resolutions No. 5363 and No. 5364, adopted a negative declaration; approved V-105-03, SP-324-03, and TT-16433, and recommended approval of PUD-102-03 and the Development Agreement. An appeal was filed by a Councilmember; and pursuant to Legal Notice published June 12, 2003, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated June 24, 2003, was introduced, along with numerous communications and petitions, the majority of which opposing the proposed project.

Staff reviewed the background information concerning this project, and discussion ensued relative to the traffic study that was performed. Staff indicated that the proposed project would increase traffic only nominally.

Councilman Rosen inquired about the installation of a traffic signal at Gilbert Street and Lampson Avenue. The City Manager responded that it would be some time before a signal is installed at that location. However, Gilbert Street and Lampson Avenue would need to be widened to accommodate turning lanes.

The City Manager noted that Gilbert Street is identified as an arterial highway; however, it is not in compliance with the Orange County Master Plan of Arterial Highways inasmuch as the Specific Plan states that Gilbert Street from Garden Grove Boulevard to Lampson Avenue should be kept as rural as possible.

Councilman Rosen inquired how the rural character is maintained. The City Manager responded through the absence of curbs or gutters and landscaping that goes from the asphalt to the private properties.

Further discussion took place relative to setbacks, landscaping, and parking requirements.

Councilman Rosen referenced a public hearing in 1984 concerning a proposal to subdivide a lot on Stanford Avenue, which was voted down. He requested a copy of the Specific Plan for Gilbert Street.

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

Jim Barisic of Brandywine Development addressed the Council. He reviewed the proposed development, noting that it meets or exceeds every requirement. His revised plan is a 14 percent reduction from the original one, and the homes are larger and more expensive, with a selling price of \$700,000. He also noted that this is a low-density project, and he has tried to work with the neighbors on this. He noted that the closest home is approximately 40 feet from the edge of the pavement. He referenced two traffic analyses that were done that generally determined there would be no significant impact on adjacent streets. They will be building a storm drain system and sewer line. He also noted that 50 percent of the homebuyers in their other developments in the city have been current residents of Garden Grove. He commented that the homeowners association would maintain the landscaping. Lastly, he commented that this development complies fully with the General Plan and zoning requirements and promotes the health, safety and welfare of the community.

Mr. Barisic responded to several issues raised by Councilmembers, including the advantages of having a homeowners association. He submitted for the record 40 letters requesting approval and signed petitions with 750 signatures.



Manny Nunes addressed the Council. He noted that he is an urban planner and previously served on the Planning Commission. He noted that the average lot size in this development would be 7400 square feet. He also commented that there are insufficient upscale dwellings in Garden Grove. He urged the City Council to approve the project.

Patti Stout addressed the Council in opposition to the project, citing impact both to traffic and the schools. She urged the Council be responsive to the requests of the citizens.

Linnea Wimberly addressed the Council in opposition to the project, commenting that it is not compatible with the existing neighborhood. She further commented that there is no room for turn lanes on Gilbert Street at Lampson Avenue.

Chandra Spitzer addressed the Council in opposition to the project, noting that cookie cutter homes do not fit with the country ambiance of the neighborhood and cautioning that approval of this project would set a dangerous precedent for other Planned Unit Developments (PUDs).

Robin Marcario addressed the Council in opposition to the project, noting it does not conform with the existing zoning laws and would set a precedent for further PUDs here. She urged the Council retain the neighborhood rural character and enforce the current zoning laws.

Jerry Margolin addressed the Council in favor of the project, commenting that it is a good development, and the developer is trying to work with everybody for the good of the city.

Rumi Salihue addressed the Council in opposition of the project, commenting that the neighborhood does not want it.

Steve Raganold, Chair of the Central Garden Grove Neighborhood Association, addressed the Council in opposition to the project, alleging that the traffic study numbers are suspect and the EIR numbers are skewed. He expressed concern that there would not be any enforcement to prohibit rentals. He chided the City for lack of seeking public input earlier. He commented that the houses are not compatible with the neighborhood.

Dorinda Martin addressed the Council in opposition to the project, noting there are too many people and too many developments in the city. She urged the Council to make Garden Grove a pretty city again.

## RECESS

At 10:00 p.m., the Mayor declared a recess.

## RECONVENE

At 10:18 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

## PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-102-03, AND A DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-324-03 (CONTINUED)

Danny Kolano addressed the Council in opposition to the project, citing too many homes and the resistance shown by the community. He alleged the developers are tied to the Council and the Council is not responsible to its residents.

Sheldon Singer addressed the Council in support of the project, commenting on the need for this type of housing.

Laurie Merrick addressed the Council in opposition to the project, inquiring how many Councilmembers received contributions from Brandywine. Mayor Broadwater responded that he did. She further commented that the school district is not in favor of this project.

Shane Lettiere addressed the Council in opposition to the project, commenting that he likes the country feel of the neighborhood and suggesting that the developer match the existing designs. He expressed concern about the traffic, water pressure, and the removal of the old trees.

Pam Douglas addressed the Council in opposition to the project, urging that the rural ambiance of Gilbert Street not be disturbed, commenting that residents on that street have been in their homes for 50 years.

Paul Toepel addressed the Council in opposition to the project, commenting that the proposed homes have no front yards for the children to play in.

Gloria Toepel addressed the Council in opposition to the project, noting that the proposed homes look like town homes and are not compatible with the neighborhood. She also commented that the signature gatherer for the petition at Vons said, "Support the Mayor and sign here."

Mayor Broadwater stated that he did not authorize that.

Maureen Blackmun addressed the Council in opposition to the project, commenting that it does not fit in with the existing homes.

Lynn Boshart addressed the Council in opposition to the project, citing increased traffic and parking concerns. She commented that 14 homes are too many and spoil the ambiance of the neighborhood. She suggested the 750 signatures in favor of the project that were submitted for the record earlier by the developer be checked for possible fraud.

Janine Fowler addressed the Council in opposition to the project, citing issues she encountered with petition gatherers.

Beverly Singer addressed the Council in opposition to the project, noting it does not fit with the existing neighborhood and does not meet the zoning requirements. She also spoke of traffic concerns and the impact on the schools.

Allan Tungseth addressed the Council in opposition to the project. He suggested the houses be spread out on Gilbert Street with fewer on Halekalanani Street.

Carolyn Rowland addressed the Council in opposition to the project, expressing concern with the compacted development that has occurred in the city over the past five years. She stated that the sewer system and infrastructure are in sad shape, and the 7200 square foot lots do not match with the existing 10,800 square foot lots on Gilbert Street.

Cheryl Armstrong addressed the Council in opposition to the project, commenting that the zoning requirements need to be adhered to and the rural plan should be expanded.

Regina Ryba addressed the Council in opposition to the project, commenting that it does not fit with the existing neighborhood and is not kid friendly. Additionally, she indicated that the homes are ugly.

Robin Lange addressed the Council in opposition to the project, commenting that it is crowded enough in Garden Grove.

Kathleen McGuirk addressed the Council in opposition to the project, commenting that if the City had gotten a handle on rentals, the properties would not have gotten so dilapidated.

Christine Ivison addressed the Council in opposition to the project, urging the Council to vote no on this development.

Alexis Raleigh addressed the Council in opposition to the project, commenting that the residents would have difficulty getting out onto Gilbert Street or Lampson Avenue.

Harry Pearce addressed the Council in opposition to the project, commenting on parking issues and the fact that the City Council turned down a previous development on Stanford Avenue in 1984, at which time the Council changed the land use plan to conform with the zoning designation. He urged the Council to enforce the existing zoning laws.

Jorge Barragan addressed the Council in opposition to the project, noting that with the high price of houses, three and four families get together and live in one house, which is happening in his neighborhood on Stanford Avenue.

Additionally, he commented that traffic is speeding down Stanford Avenue, and he would like to keep the country ambiance of the neighborhood.

Louis Perez addressed the Council in opposition to the project, commenting that he does not want the neighborhood to change. He also noted that today traffic was backed up on Gilbert Street from Lampson Avenue to Stanford Avenue.

Jim Barisic of Brandywine Development addressed the Council in rebuttal, noting that the project is low density. He has reduced the number of homes and changed the exterior plans since he first presented this project. And what he has done works well with the existing neighborhoods.

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

#### RECESS

At 11:33 p.m., the Mayor declared a recess.

#### RECONVENE

At 11:50 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

#### PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-102-03, AND A DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-324-03 (CONTINUED)

Councilman Leyes commented that he can appreciate large lot sizes, and acknowledged the pleasant rural atmosphere of the neighborhood. He also commented that a private street in his opinion makes sense, and he believes the project preserves the rural flavor of Gilbert Street and is a good project. Furthermore, the project requires no City assistance and meets or exceeds most of the Code requirements and satisfies the demand for housing. The developer will be improving the infrastructure. Progress happens and things change. He believes the project is compatible and will help preserve the neighborhood. He commented, however, that the City's process of granting variances should be looked at. He further noted that the Planning Commission's job is to do a technical review of a project, and it did a good job in both cases where this development was considered. He announced that he would support this project.

Councilman Dalton noted that he has reviewed the Planning Commission minutes and the comments of staff and has read about the variance issue. He has also spoken to many citizens. He has a concern about the variance. Fourteen houses are too many, but he probably would have no problem with 12 houses. Brandywine has built good projects in Garden Grove. Gilbert Street is unique, and he hates to see it widened or the neighborhood lose its

charming rural flavor. He announced that he couldn't support this project as presented.

Councilman Rosen noted that he has talked to many people regarding this project. The properties in the area are all R-1 and should be preserved, and the ambiance of Gilbert Street should also be preserved. Brandywine is a very good developer. There are currently four vacant homes along Gilbert Street in the proposed area; however, it should be a seamless project and should fit together as one piece. He does not like the homeowners association or the private street concepts, and he announced that he couldn't support the project in its current configuration.

Councilman Tran thanked the residents for their letters and comments. He noted that he drove by the area many times and is cognizant of the rural nature of Gilbert Street. He has looked at this project based on its merits, noting that one must look at the whole community and not just one neighborhood. The community is going through a lot of changes, and he recognized the feelings of the residents. The proposed homes are beautiful, and he believes staff and the developer can work with the neighbors. He commented that the proposed project is better for the 2.7-acre site than a church, which is permitted on this site. He announced that he would support the project.

Mayor Broadwater commented that the City is in need of constant overhaul, referencing Garden Grove Boulevard's renewal. He noted that Mr. Barisic owns the property in question, and a church is definitely a possibility for the site, though not the best choice. He acknowledged that the best option, although not a practical one, would be a park. He commented that the site contains five properties that were rented out but not maintained. This project is a good one and will enhance Gilbert Street. He announced that he would support the project.

ORDINANCE NO. 2607 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-102-03 CHANGING THE ZONING DESIGNATION FROM R-1-7 (SINGLE-FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-102-03 FOR PROPERTY LOCATED ON THE EAST SIDE OF GILBERT STREET, NORTH OF STANFORD AVENUE, AT 12632, 12642, 12672, AND 12692 GILBERT STREET, PARCEL NOS. 133-332-17, 29, 30, 42, 43

Councilman Leyes moved, seconded by Councilman Tran, that full reading of Ordinance No. 2607 be waived, and said Ordinance be passed to second reading. Upon the following vote:

AYES: COUNCILMEMBERS: (3) LEYES, TRAN, BROADWATER  
NOES: COUNCILMEMBERS: (2) DALTON, ROSEN  
ABSENT: COUNCILMEMBERS: (0) NONE

Ordinance No. 2607 was passed to second reading.

ORDINANCE NO. 2608 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 BRANDYWINE DEVELOPMENT CORPORATION (DEVELOPER) AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE EAST SIDE OF GILBERT STREET, NORTH OF STANFORD AVENUE, AT 12632, 12642, 12672, & 12692 GILBERT STREET, PARCEL NOS. 133-332-17, 29, 30, 42, 43

Councilman Leyes moved, seconded by Councilman Tran, that full reading of Ordinance No. 2608 be waived, and said Ordinance be passed to second reading. Upon the following vote:

AYES: COUNCILMEMBERS: (3) LEYES, TRAN, BROADWATER  
NOES: COUNCILMEMBERS: (2) DALTON, ROSEN  
ABSENT: COUNCILMEMBERS: (0) NONE

Ordinance No. 2608 was passed to second reading.

RESOLUTION NO. 8510-03

Councilman Leyes moved, seconded by Councilman Tran, that full reading of Resolution No. 8510-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE UPHOLDING THE PLANNING COMMISSION APPROVAL OF SITE PLAN NO. SP-324-03, VARIANCE NO. V-105-03, AND TENTATIVE TRACT MAP NO. TT-16433 FOR PROPERTY LOCATED ON THE EAST SIDE OF GILBERT STREET, NORTH OF STANFORD AVENUE, AT 12632, 12642, 12672, AND 12692 GILBERT STREET, PARCEL NOS. 133-332-17, 29, 30, 42, AND 43. Upon the following vote:

AYES: COUNCILMEMBERS: (3) LEYES, TRAN, BROADWATER  
NOES: COUNCILMEMBERS: (2) DALTON, ROSEN  
ABSENT: COUNCILMEMBERS: (0) NONE

said Resolution No. 8510-03 was declared adopted.

DISCUSSION CONCERNING SINGLE-FAMILY RESIDENCES HAVING ROOMS RENTED OUT ON A DAILY OR MONTH-TO-MONTH BASIS, AS REQUESTED BY COUNCILMAN DALTON (F: 53.1) (XR: 35.1)

Councilman Dalton indicated he has been contacted by many residents concerning the issue of rooms being rented out in single-family dwelling.

Staff indicated that the City code only permits residents to rent to individuals who make up the household; however, it is difficult to determine this.

The City Attorney noted that if it is believed that such a condition exists in a dwelling, the owner could be asked to come to City Hall for an office interview on the matter.

The City Manager noted that many residents are adding on to their homes, and the City is looking at policies that provide some restrictions when plans for additions are presented.

DISCUSSION CONCERNING PROVIDING STAFF DIRECTION TO TELEVISION THE JULY 21, 2003, MEETING TO CONSIDER SEWER RATE INCREASES (F: 53.1)  
(XR: S-60.1)

The City Manager indicated that a public hearing on sewer rate increases will be held on July 21, 2003, and Councilman Rosen has requested that this meeting be televised.

Councilman Rosen referenced the sewer rate increase that took place in 1999, at which time there was a very large crowd of people and the hearing was not televised. He also referenced the hearing that was held to expand the Redevelopment Plan, which also was not televised. Councilman Rosen commented that all the meetings of the Council should be televised. The cost to televise and the difficulty of televising from a room other than the Council Chamber were discussed.

Councilman Leyes commented that those topics should be discussed at regular meetings.

Councilman Dalton noted that he agrees with Councilman Rosen, noting that the Planning Commission and School District meetings should also be televised.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the public hearing on July 21, 2003, to consider sewer rate increases, be held in the Council Chamber and be televised.

CONSIDERATION OF A LEGAL CHALLENGE TO THE CONSTITUTIONALITY OF THE INCREASE IN VEHICLE LICENSE FEES, AS REQUESTED BY COUNCILMAN LEYES (F: 44.1)

Councilman Leyes referenced an article in the Register concerning this issue, noting he is aware of one lawsuit coming down and the City might want to join in.

Councilman Leyes moved, seconded by Mayor Broadwater, that more information be gathered and the matter be brought back for consideration.

Councilman Rosen commented that he does not believe staff should spend time on this, suggesting staff obtain the legal analysis from the plaintiff in the case, noting that if we join in the lawsuit, we can get hit with attorney fees.

It was the consensus of the Councilmembers that this matter be continued for two weeks for staff to obtain a legal analysis.

STATUS REPORT CONCERNING THE DEVELOPMENT ON THE SOUTHWEST CORNER OF EUCLID STREET AND WOODWARD LANE (F: 116.PUD-137-01)

The City Manager indicated that the City issued the builder with an order to stop work on the buildings, and he is now putting in the sidewalks.

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

No report was provided.

Councilman Rosen indicated that staff should move forward with the gymnasium project, noting this project was first proposed in 2000. He commented that there are four or five potential sites, and the City Council should choose one and proceed.

The City Manager noted that staff is looking at Garden Grove Park and one other potential site for the gymnasium.

RECESS

At 12:50 a.m., on Wednesday, June 25, 2003, the Mayor declared a recess.

RECONVENE

At 12:51 a.m., on Wednesday, June 25, 2003, the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

Mayor Broadwater announced that the two items on the agenda to be discussed in Closed Session would not be discussed at this time.

FURTHER COMMENTS BY COUNCILMEMBERS

Councilman Tran requested that a presentation be made by OCTA at a future Council meeting concerning the 22 Freeway expansion, noting that the city will be impacted by the expansion. (F: 53.1) (XR: 23.18)

Councilman Tran announced a Homeland Safety and Security meeting that will take place on June 30, 2003, at Coastline Community College. (F: 53.1)

Councilman Dalton commented on the Garden Grove Lions Club installation of officers that he attended on June 21, 2003. (F: 53.1)



ADJOURNMENT

At 1:00 a.m., on Wednesday, June 25, 2003, the meeting was declared adjourned.

RUTH E. SMITH  
CITY CLERK