

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, July 8, 2003, at 7:03 p.m.

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

ABSENT: (0) NONE

ALSO PRESENT: 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; Deputy City Attorney, Doug Holland; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

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

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Tina Javid, 20-year key member of the Southern California Gas Company, and presented her with a Certificate of Appreciation and a gift in recognition of her exceptional involvement in our community. (F: 52.3)

INTRODUCTIONS

Mayor Broadwater introduced members of Boy Scout Troop No. 642, working on their merit badges. (F: 52.3)

ORAL COMMUNICATIONS – PUBLIC

Kenda Taylor addressed the Council urging the Gilbert PUD be denied, and indicating she will work on a referendum if it is approved. (F: 53.3)
(XR: 116.PUD-102-03)

Gloria Toepel and Verla Lambert addressed the Council, urging the Gilbert PUD be denied. (F: 53.3) (XR: 116.PUD-102-03)

Diane Streich-Harrell addressed the Council, expressing her appreciation that the sports complex will be placed at another location other than the West Haven Park area. She indicated there is still a parking problem across from the park and something needs to be done to solve this problem. She commented that signs don't help without some type of patrolling. (F: 53.3) (XR: 73.12a) (XR: 75.1)

Paul Toepel addressed the Council, urging the Gilbert PUD be denied. He also urged fireworks be banned in Garden Grove. (F: 53.3) (XR: 116.PUD-102-03) (XR: 61.6)

Tony Flores addressed the Council and submitted documentation relative to the lawsuit of Flores v. Broadwater, alleging the City Attorney, Councilman Rosen, and Mayor Broadwater all have a conflict of interest in that matter. (F: 53.3) (XR: 44.1)

Steve Raganold, President of the Central Garden Grove Residents Association, addressed the Council, urging they reflect on their decision concerning the Gilbert PUD and deny the project. He noted there will be a referendum filed if the Council passes the ordinance, and he invited the Councilmembers to attend their Association meeting next Saturday. (F: 53.3) (XR: 116.PUD-102-03) (XR: 130.19)

Janine Fowler addressed the Council, urging the Gilbert PUD be denied and referencing the signatures they are ready to begin gathering for a referendum. (F: 53.3) (XR: 116.PUD-102-03)

Manny Nunes, resident and city planning professional, addressed the Council in support of the Gilbert PUD, praising its quality and design and noting that it completely conforms with the City's General Plan and will remove the blighted homes currently on the site. He commented that a place of worship or an educational facility could legally be placed on the site. (F: 53.3) (XR: 116.PUD-102-03)

Valerie Austin addressed the Council expressing concern about the Vietnamese markers on Brookhurst Street, commenting that they should be in English. She also complained about an abundance of weeds in the area of Brookhurst Street/Westminster Avenue. (F: 53.3) (XR: 94.1) (XR: 113.1)

Robin Marcario addressed the Council concerning the agenda item relating to the Viacom billboard relocation, urging it not be approved. She also commented that 12 residential units on Gilbert Street would be a more reasonable request, and she urged that the Council not approve the PUD. (F: 53.3) (XR: 116.SP-317-02) (XR: 116.PUD-102-03)

Carolyn Rowland addressed the Council, alleging overcrowded building in the city with no increase in the level of police services. She suggested relooking at the General Plan to make it more current, and increasing the parkland. She also suggested that builders be required to incorporate more parks with their

developments. Finally, she asked the Council to rethink their votes on the second reading of the Ordinance before them tonight on the Gilbert Street PUD. (F: 53.3) (XR: 116.PUD-102-03)

RECESS

At 7:43 p.m., the Mayor declared a recess.

RECONVENE

At 8:42 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

AWARD OF CONTRACT FOR THE ABATEMENT OF ASBESTOS-CONTAINING MATERIAL (ACM) AND THE DEMOLITION OF STRUCTURES AT VARIOUS LOCATIONS IN THE CITY (F: 55) (XR: 43.1) (XR: 21.1)

Staff report dated July 8, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that Three D Service Company, Inc., be and hereby is determined to be the lowest acceptable bidder in connection with the abatement of asbestos-containing material (ACM) and the demolition of structures at various locations in the city; and that contract for said project be and hereby is awarded to said company in the sum of \$216,197.00, 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 the pertinent documents.

REJECTION OF SOLE BID SUBMITTED BY S&S MECHANICAL FOR PROJECT NO. 7383, CONVERSION OF AIR/FUEL CONTROLLERS FOR SIX NATURAL GAS ENGINES FOR WATER WELLS AND BOOSTER PUMPS, AND APPROVE REVISED PLANS AND SPECIFICATIONS (F: 92.Proj.7383) (XR: 24.12)

Staff report dated July 8, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the sole bid submitted by S&S Mechanical for Project No. 7383, Conversion of Air/Fuel Controllers for Six Natural Gas Engines for Water Wells and Booster Pumps, be and hereby is rejected; and the City Clerk is authorized to advertise the revised Plans and Specifications for bids.

AGREEMENT WITH CURBSIDE, INC., FOR THE ADMINISTRATION OF USED OIL RECYCLING BLOCK GRANT PROGRAMS (F: 55) (XR: 89.2) (XR: 24.1) (XR: 97.2.93)

Staff report dated July 8, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Curbside, Inc., for the administration of used oil recycling block grant programs, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT WITH USBANCORP PIPER JAFFRAY AS UNDERWRITER FOR THE REFUNDING OF THE 1993 TAX ALLOCATION ISSUE (F: A-34.7)

Staff report dated July 8, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and USbancorp Piper Jaffray as Underwriter for the refunding of the 1993 Tax Allocation issue, be and hereby is approved; and the Finance Director and City Clerk are authorized to execute the agreement.

WEST ORANGE COUNTY WATER BOARD BUDGET FOR FISCAL YEAR 2003-04
(F: 112.9)

Staff report dated July 8, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the West Orange County Water Board Budget for Fiscal Year 2003-04, be and hereby is approved.

MINUTES (F: Vault)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held April 22, 2003, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that regular warrants 290865 through 292374, and payroll warrants 129074 through 129331, Direct Deposits D78474 through D79036, and Wires W745 through W748, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING TO CONSIDER THE PROPOSED BUDGET FOR FISCAL YEAR 2003-04 (F: 34.1[2003-04]) (XR: A-34.1) (XR: S-34.1) (XR: H-34.1)

Staff reports dated July 8, 2003, were introduced, and it was noted that pursuant to Legal Notice published June 26, 2003, public hearing on this matter was ordered by the City Council to be held this date.

The Assistant City Manager, Matthew Fertal, advised that the budget before the City Council for approval is a balanced budget; however, it will have to be revisited once the state adopts its budget. He also indicated that a Code Enforcement position is being added through Neighborhood Improvement funds.

Councilman Tran asked for clarification concerning the force restructuring proposal. The Assistant City Manager noted that a \$600,000 savings is expected through this early retirement program, noting that it would create a two-to four-year period of salary savings through both eliminated positions and restructuring of positions.

Councilman Rosen asked if the City could shift the CDBG funds around. The Assistant City Manager indicated that the public hearing on the expenditure of those funds has already been held, and if the Council wants to make any changes, HUD would have to be notified and a new public hearing would need to be held.

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

Tony Flores addressed the Council, alleging discrepancies with the budget figures and expressing concern about public safety funding. He also commented that he hopes the hotel visitors tax increases to the level where it should be.

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

Councilman Tran moved, seconded by Councilman Rosen, for purposes of discussion, that the Resolution relative to the adoption of the Basic Services, Grant Services, Water Services, Capital Improvements, Mobile Home Parks, and Special Assessment Budgets for Fiscal Year 2003-04, be approved.

Councilman Leyes expressed concern that public safety appears to be underfunded, referencing police negotiations that have taken place, and the budget is out of balance. He cannot support the proposed resolution.

Councilman Rosen suggested it be postponed until after negotiations have been settled.

Mayor Broadwater noted that the budget is just a guideline and can be modified.

Councilman Dalton inquired how the projected \$600,000 from force restructuring could be used to balance the budget when the Council has not yet voted on this program.

The Finance Director responded that if the Council does not approve that program, it would be necessary to find another \$600,000 to cut and a budget amendment would be required.

Councilman Tran and Councilman Rosen withdrew their motion.

Further discussion took place relative to the force restructuring.

Councilman Rosen noted that in light of Councilman Leyes' comments that the figures for public safety will be higher than what is currently reflected in the budget, Councilman Dalton's concern about the projected \$600,000 from force restructuring, and his own comments about possibly shifting the CDBG funds around, he would suggest continuing this part of the budget for two weeks.

The Finance Director indicated that there is no exact deadline to adopt the budget; however, operations would have to remain status quo.

Councilman Tran suggested the adoption of this budget be postponed since the City can remain in a holding pattern budget-wise.

In response to an inquiry by Councilman Rosen, the Finance Director indicated that postponement of the adoption of the City budget would not have a material effect on the refunding of the 1993 Tax Allocation issue.

It was determined by the Council that votes be taken on the remainder of the budget Resolutions under consideration.

RESOLUTION NO. 8511-03

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Resolution No. 8511-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING AN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2003-04 IMPLEMENTING ARTICLE XIII B OF THE STATE CONSTITUTION PURSUANT TO SECTION 7900 ET SEQ. OF THE GOVERNMENT CODE, be and hereby is adopted.

RESOLUTION NO. 8512-03

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Resolution No. 8512-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROPRIATING FUND BALANCES AS OF JUNE 30, 2003, TO RESERVES FOR FUTURE YEAR REAPPROPRIATION, be and hereby is adopted.

RESOLUTION NO. 8513-03

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8513-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REAPPROPRIATING CERTAIN FY 2002-03 PROJECT BALANCES AND ENCUMBRANCES FOR THE FISCAL YEAR 2003-04, be and hereby is adopted.

RESOLUTION NO. 8514-03

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8514-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING AN ANNUAL BUDGET FOR THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT FOR FISCAL YEAR 2003-04, be and hereby is adopted.

RESOLUTION NO. 8515-03

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Resolution No. 8515-03 be waived, and said Resolution entitled A RESOLUTION OF THE GARDEN GROVE CITY COUNCIL AUTHORIZING THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT'S EXPENDITURE OF FUNDS FOR THE PROVISION OF CERTAIN ADMINISTRATIVE FUNCTIONS, be and hereby is adopted.

RESOLUTION NO. 8516-03

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8516-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING AN ANNUAL BUDGET FOR THE GARDEN GROVE HOUSING AUTHORITY FOR FISCAL YEAR 2003-04, be and hereby is adopted.

CONSIDERATION OF MASTER FEE RESOLUTION (F: 34.1[2002-03]) (XR: 60.2A)

Staff report dated July 8, 2003, was introduced, providing proposed changes to the City's Master Fee Resolution. It was noted that the proposed fee adjustments would generate about \$30,000.00 a year.

RESOLUTION NO. 8517-03

Mayor Broadwater moved, seconded by Councilman Rosen, that full reading of Resolution No. 8517-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE

ESTABLISHING USE FEES FOR VARIOUS CITY SERVICES, 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. 8517-03 was declared adopted.

FISCAL YEAR 2002-03 CONFERENCE AND TRAINING OPPORTUNITIES
(F: 34.1[2002-03])

Staff report dated July 8, 2003, was introduced, conveying a list of overnight conferences and training sessions included in the proposed 2003-04 budget.

Councilman Leyes commented that conferences and training is important; however, he hopes that every opportunity is taken to save on costs.

It was moved by Mayor Broadwater, seconded by Councilman Leyes, and carried by unanimous vote, that the overnight conferences, training sessions, and seminars, as submitted, be and hereby are approved.

FURTHER CONSIDERATION OF BASIC SERVICES, GRANT SERVICES, WATER SERVICES, CAPITAL IMPROVEMENTS, MOBILE HOME PARKS, AND SPECIAL ASSESSMENT BUDGETS FOR FISCAL YEAR 2003-04

Councilman Rosen commented that this budget is just a guideline and can be amended as soon as two weeks from now.

Mayor Broadwater moved, seconded by Councilman Rosen, that the Basic Services, Grant Services, Water Services, Capital Improvements, Mobile Home Parks, and Special Assessment Budgets for Fiscal Year 2003-04, be and hereby are adopted. Said motion failed to carry by the following vote:

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

Councilman Rosen moved, seconded by Councilman Tran, that the Basic Services, Grant Services, Water Services, Capital Improvements, Mobile Home Parks, and Special Assessment Budgets for Fiscal Year 2003-04, be continued to July 22, 2003. Said motion carried by the following vote:

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

PUBLIC HEARING TO CONSIDER MAIN STREET ASSESSMENT DISTRICT NO. 1 – FISCAL YEAR 2003-04 ASSESSMENTS (F: 31.4) (XR: A-31.2)

Staff report dated July 8, 2003, was introduced.

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

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

RESOLUTION NO. 8518-03

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8518-03 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 ASSESSMENTS IN THE MATTER OF MAIN STREET ASSESSMENT DISTRICT NO. 1, be and hereby is adopted.

AWARD OF CONTRACT FOR PROJECT NO. 7257 – CONSTRUCTION OF HASTER/CHAPMAN INTERSECTION IMPROVEMENTS (F: 96.proj.7257)

Staff report dated July 8, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that P. A. Engineering, Inc., be and hereby is determined to be the lowest acceptable bidder in connection with Project No. 7257, Construction of Haster/Chapman Intersection Improvements; that contract for said project be and hereby is awarded to said company in the sum of \$395,214.00, in accordance with the terms of the City's plans and specifications and the bid submitted by said company; that all other bids be and hereby are rejected; and the Mayor and City Clerk are authorized to execute said contract.

CONSIDERATION OF VIACOM BILLBOARD RELOCATION (F: 116.SP-317-02) (XR: A-55.287)

Staff report dated July 8, 2003, was introduced, and it was noted that on April 8, 2003, the City Council held a public hearing to consider the 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. The public hearing was declared closed and the decision was deferred to April 22, 2003, at which time it was continued to May 27, 2003, then to June 10, 2003, and subsequently to this date.

The Assistant City Manager noted that Viacom Outdoor's representative has been working with City staff to provide all necessary information, including the

formation of a Settlement and Release Agreement, for the City Council to review and consider. The agreement was formulated to resolve and settle any potential dispute, issues, and claims from Viacom that may arise relating to the billboard previously located at the former Mr. Angelo's restaurant site.

He further noted that Viacom would be required to obtain all necessary permits and comply with all City standards related to the billboard construction. Viacom shall submit for approval a detailed landscaping plan of the planter area where the proposed billboard would be located, specifying the type, size, location, and quantity of all plant material.

Mayor Broadwater commented that if the Council does not approve this action, there is a possibility the City could be involved in a lawsuit.

Councilman Rosen noted that this matter has been discussed in Closed Session, where staff was provided instructions relative to the Settlement Agreement.

Councilman Dalton commented that he cannot support this because he does not believe the City has any liability inasmuch as the owner terminated the lease.

Councilman Leyes noted the importance of negotiating in good faith, and this is the culmination of a process. He commented that the Council should approve the appeal and the site plan, noting that the Settlement Agreement is a good idea.

Discussion took place relative to legal obligations and negotiations that took place.

The Assistant City Manager noted that the fact that the original property was acquired for a public project makes us vulnerable as a Redevelopment Agency. Further, the City tried to head off potential claims by suggesting sites not detrimental to the community.

Councilman Rosen commented that he believes this is a good settlement.

RESOLUTION NO. 8519-03

Councilman Leyes moved, seconded by Mayor Broadwater, that full reading of Resolution No. 8519-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-317-02 FOR LAND LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF FAIRVIEW STREET, AT 13311-13341 GARDEN GROVE BOULEVARD, PARCEL NO. 231-123-01, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8519-03 was declared adopted.

Councilman Leyes moved, seconded by Councilman Rosen, that the Settlement Agreement by and between the City of Garden Grove, the Garden Grove Agency for Community Development, and Viacom Outdoor, Inc., regarding the billboard relocation, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement. Said motion carried by the following vote:

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

REQUEST FOR ORANGE COUNTY TRANSPORTATION AUTHORITY TO ALLOCATE
COMBINED TRANSPORTATION PROGRAM FUNDS FOR THE HASTER/CHAPMAN
INTERSECTION IMPROVEMENTS (F: 96.proj.7257) (XR: 23.18)

Staff report dated July 8, 2003.

RESOLUTION NO. 8520-03

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8520-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REQUESTING THE ORANGE COUNTY TRANSPORTATION AUTHORITY TO ALLOCATE COMBINED TRANSPORTATION PROGRAM FUNDS FOR HASTER/CHAPMAN INTERSECTION IMPROVEMENTS, be and hereby is adopted.

AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING OF THE
EMPLOYEES' ASSOCIATION TO ADD/MODIFY PERSONNEL CLASSIFICATIONS
(F: 78.13c)

Staff report dated July 8, 2003, was introduced.

RESOLUTION NO. 8521-03

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8521-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING RESOLUTION NO. 8343-01 RELATING TO POSITION CLASSIFICATIONS FOR CERTAIN

EMPLOYEES OF THE CITY OF GARDEN GROVE, be and hereby is adopted.

ADOPTION OF PARAMEDIC TAX OVERRIDE RATE FOR FISCAL YEAR 2003-04
(F: 60.11)

Staff report dated July 8, 2003, was introduced.

ORDINANCE NO. 2609 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING THE AMOUNT OF MONEY FOR PARAMEDIC SERVICES THAT MUST BE RAISED BY AN AD VALOREM TAX OVERRIDE AND THE SETTING OF THE TAX RATE OF SAID OVERRIDE

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Ordinance No. 2609 be waived, and said Ordinance be and hereby is passed to second reading.

SECOND READING OF ORDINANCES NO. 2605, NO. 2606, NO. 2607, AND NO. 2608

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinances No. 2605, No. 2606, No. 2607, and No. 2608, be waived.

ORDINANCE NO. 2605 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 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 (F: 115.A-100-03) (XR: 106.140) (XR: 116.SP-322-03)

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that Ordinance No. 2605 be and hereby is declared passed.

ORDINANCE NO. 2606 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 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 (F: 115.A-100-03) (XR: 106.140) (XR: 116.SP-322-03)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that Ordinance No. 2606 be and hereby is declared passed.

ORDINANCE NO. 2607 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-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 (F: 116.PUD-102-03) (XR: 106.141) (XR: 111-V-105-03) (XR: 116.SP-324-03) (XR: 103.TT-16433)

Councilman Leyes commented that he has talked to many people since the public hearing that was held two weeks ago on this. He noted that this project is not high density. The zoning code allows 7200 square foot lots. The subject property has deteriorated, and it is not likely or feasible that it will stay the same. This is a good project, and the PUD provides the flexibility to impose additional standards. As for a park, the City does not have surplus revenues for parks. He believes there will be an eventual acceptance that the proposed development is an asset to the community and to the neighborhood.

Councilman Rosen commented that on this issue the people attending the meetings have been representative of that section of Garden Grove and want to discuss this project. He further commented that in its current configuration, this development is a bad idea. He referenced Ms. Robin Marcario's comment that a 12-homes development would eliminate the referendum, and he suggested that the Council look at that option.

Councilman Dalton commented that he reviewed the Planning Commission minutes and spoke to many people, a reasonable number of which indicated they would accept 12 homes. He noted that Brandywine builds beautiful homes; however, Gilbert Street is a unique area of the city.

Councilman Tran noted that he has mulled over this issue the last two weeks and has not changed his mind. He commented that the interest of the entire city has to be taken into consideration. This is a worthy project and contains some of the most expensive homes in the city. He added that communicating with the citizens is very important.

Mayor Broadwater commented that there currently are four septic tanks on this property. Further, he commented that Gilbert Street has changed, and the addition of these homes will bring back the serenity it once had. He acknowledged that it is very hard to say no to so many people; however, the Council has to look at what it feels is best for the community at large. He further noted that he would like to see a park there, but that is not going to happen. This property is currently owned by the developer; and if the

referendum passes, he will sell it perhaps to a school or a church. He indicated that when the project is done, he believes the people will change their minds. He is not changing his vote. The referendum is a mistake and is not good for the city. He noted that the developer pulled out of the proposed Orangewood development because of what has happened on this project.

Councilman Leyes moved, seconded by Councilman Tran, that Ordinance No. 2607 be and hereby is declared passed. Upon the following vote:

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

Ordinance No. 2607 was declared passed.

ORDINANCE NO. 2608 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 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 (F: 116.PUD-102-03) (XR: 106.141) (XR: 111-V-105-03) (XR: 116.SP-324-03) (XR: 103.TT-16433)

Councilman Leyes moved, seconded by Councilman Tran, that Ordinance No. 2608 be and hereby is declared passed. Upon the following vote:

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

Ordinance No. 2608 was declared passed.

RECESS

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

RECONVENE

At 10:32 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

DISCUSSION REGARDING SEPARATION OF CITY SELECTION COMMITTEE FROM THE ORANGE COUNTY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES, AS REQUESTED BY MAYOR BROADWATER (F: 74.11)

Mayor Broadwater indicated he would like to continue this item to allow time to obtain information about the purpose of this committee.

CONSIDERATION OF A LEGAL CHALLENGE TO THE CONSTITUTIONALITY OF THE INCREASE IN VEHICLE LICENSE FEES, AS REQUESTED BY COUNCILMAN LEYES
(F: 44.2)

This item was continued from the meeting of June 24, 2003.

Councilman Leyes indicated that a lawsuit has been filed challenging the car tax increase, and this cause has many plaintiffs. He further indicated he would like to continue this item to enable him to obtain further information.

DESIGNATION OF VOTING DELEGATE FOR 2003 LEAGUE ANNUAL CONFERENCE
(F: 74.10)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that Councilman Tran be and hereby is designated as the City's Voting Delegate for the 2003 League Annual Conference.

REPORT FROM CITY REPRESENTATIVE TO THE ORANGE COUNTY SANITATION DISTRICT (F: 23.14) (XR: S-74.2)

Councilman Dalton indicated that he attended the Orange County Sanitation District meeting last week, at which time the District voted by a two-third's majority, to raise fees by 15 percent the first year. He further noted that it will take a two-third's majority for an additional 15 percent each year for the next four years.

DISCUSSION CONCERNING CALLING A SPECIAL MEETING TO DISCUSS POLICE NEGOTIATIONS IN CLOSED SESSION (F: 10.4)

After some discussion, it was the consensus of the Councilmembers that a special meeting be held on Monday, July 14, 2003, at 6:00 p.m., to discuss police negotiations in Closed Session.

COMMENTS BY MAYOR BROADWATER (F: 61.6)

Mayor Broadwater commented on his ride-along with a Battalion Chief on July 4th, noting that he will be bringing an ordinance to the Council to institute a \$500 citation fee for anyone setting off illegal fireworks. He requested a report concerning Buena Park's ordinance addressing this issue.

RECESS

At 10:43 p.m., the Mayor declared a recess.

RECONVENE AND ADJOURN TO CLOSED SESSION

At 11:00 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance and was promptly adjourned to Closed Session, under the Ralph M. Brown Act, and it was announced that pursuant

to Government Code section 54956.9, the City Council will confer with its legal counsel regarding the status of Flores v. Broadwater.

Additionally, 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 Assistant City Manager, Matthew Fertal; Assistant City Manager, Les Jones; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; and Deputy City Attorney, Douglas Holland.

RECONVENE IN OPEN SESSION

At 11:24 p.m., the meeting was reconvened in Open Session with Mayor Broadwater and all Councilmembers in attendance. It was announced that there was no reportable action with regard to Police negotiations.

With regard to Flores v. Broadwater, it was announced that although the Mayor did not have a conflict of interest, he did not feel it was in the best interest of all for him to participate in discussion and left the room. On a 4-0 vote, with Mayor Broadwater absent, the Council voted to ratify and approve the decision to appeal the trial court decision in Flores v. Broadwater.

ADJOURNMENT

At 11:25 p.m., the meeting was declared adjourned to Monday, July 14, 2003, at 6:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue.

RUTH E. SMITH
CITY CLERK