

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 13, 2004, at 7:00 p.m.

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

ABSENT: (0) NONE

ALSO PRESENT: City Manager, Matthew Fertal; Deputy City Manager, Les Jones; Administrative Services Director, Kathy Porter; Community Development Director, Susan Emery; Community Services Director, Cal Rietzel; Finance Director, Kingsley Okereke; Fire Chief, Keith Osborn; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; Public Works Director, Keith Jones; City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

Deputy 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 Paul Cosgrove, 2004 Strawberry Ball King, and presented him with a Certificate of Appreciation and a gift. Betty Lee Berg, 2004 Strawberry Ball Queen, was unable to be present. (F: 52.3) (XR: 87.7)

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Diego Urbina, Boys and Girls Club of Garden Grove "2004 Youth of the Year," and presented him with a Certificate of Recognition and a gift for his dedicated commitment and service in Club programs. (F: 52.3)

PRESENTATION

Members of Team ANGEL addressed the Council concerning their fundraising endeavor to raise money for the Leukemia and Lymphoma Society. (F: 52.3)

ADJOURN TO CLOSED SESSION

At 7:16 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 54956.9, the City Council would confer with its Legal Counsel regarding the status of Garden Grove v. Orange County Transportation Authority.

RECONVENE IN OPEN SESSION

At 7:51 p.m., the meeting was reconvened in Open Session, and it was announced that the matter previously disclosed was discussed and no others.

ORAL COMMUNICATIONS – PUBLIC

Craig Durfey addressed the Council concerning the need for funding for a GPS watch amber alert to track autistic and Alzheimer afflicted individuals who wander away. (F: 53.3)

DENIAL OF CLAIMS (F: 49.2)

Staff report dated July 13, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that claims submitted by State Farm Insurance Company for Cynthia Cowan, Serafin Vidovic, and Cynthia Cowan; claims submitted on behalf of Donald Cordill as a Successor in interest to Marie Cordell, and Donald Cordill; David Gunther; Thuy Ngo; Kee Quesenberry and Chung Kim; Anwar Alameddine and Lena Ayvazian; and Marvin Manley; and claims submitted by James Rederburg and by Lynda Knott and Norman Ross, be and hereby are denied. (F: 49.2)

ACQUISITION OF AN EASEMENT OVER A PORTION OF REAL PROPERTY
LOCATED AT 12251 GARDEN GROVE BOULEVARD, FOR PROJECT NO. 7244,
HARBOR BOULEVARD/GARDEN GROVE BOULEVARD INTERSECTION
IMPROVEMENT (F: 96.Proj.7244) (XR: 84.1)

Staff report dated July 13, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the acquisition of an easement over a portion of real property located at 12251 Garden Grove Boulevard, Parcel 5, for Project No. 7244, Harbor Boulevard/Garden Grove Boulevard Intersection Improvement, be and hereby is approved; the City Manager and City Clerk are authorized to execute the pertinent documents; and the Finance Director is authorized to draw a warrant in the amount of \$175,100.00 to the seller and leaseholders, when appropriate to do so.

FINAL TRACT MAP NO. TR 16433 AND SUBDIVISION AGREEMENT FOR
PROPERTY LOCATED ON THE EAST SIDE OF GILBERT STREET, NORTH OF
STANFORD AVENUE (F: 103.TT.16433)

Staff report dated July 13, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that Final Tract Map No. 16433 and Subdivision Agreement by and between the City of Garden Grove and Gilbert Estates Group, LLC, for property located on the east side of Gilbert Street, north of Stanford Avenue, be and hereby are approved; Subdivision Improvement Bonds are accepted; and the Mayor and City Clerk are authorized to execute the agreement.

ADOPTION OF NEGATIVE DECLARATION FOR PROJECT NO. 7140,
CONSTRUCTION OF A RIGHT-TURN LANE ON EUCLID STREET AT THE
EASTBOUND SR 22 FREEWAY ON-RAMP (F: 96PROJ.7140)

Staff report dated July 13, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the Negative Declaration of Environmental Impact for Project No. 7140, Construction of a Right-Turn Lane on Euclid Street at the eastbound SR 22 Freeway On-Ramp, be and hereby is adopted.

AWARD OF CONTRACT FOR KITCHEN REMODEL AT FIRE STATION NO. 1
(F: 55) (XR: 61.1)

Staff report dated July 13, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that Warvi Construction, Inc., be and hereby is determined to be the lowest acceptable bidder in connection with the Kitchen Remodel at Fire Station No. 1; that contract for said project be and hereby is awarded to said company in the sum of \$39,890.00, in accordance with the terms of the City's plans and specifications and the bid submitted by said company; that all other bids be and hereby are rejected; and the Mayor and City Clerk are authorized to execute said contract.

AWARD OF CONTRACT FOR PROJECT NO. 7122, LAMPSON AVENUE MEDIAN CONSTRUCTION BETWEEN KNOTT STREET AND LAMPLIGHTER STREET
(F: 96.Proj.7122)

Staff report dated July 13, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that Griffith Company, be and hereby is determined to be the lowest acceptable bidder in connection with Project No. 7122, Lampson Avenue Median Construction between Knott Street and Lamplighter Street; that contract for said project be and hereby is awarded to said company in the sum of \$177,695.00, 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 agreement.

RENEWAL OF AGREEMENT WITH ESGIL CORPORATION FOR BUILDING PLAN CHECK SERVICES ON AN AS-NEEDED BASIS (F: 55) (XR: 80.1)

Staff report dated July 13, 2004, was introduced.

Councilman Rosen requested that this matter be continued to allow time for staff to provide information showing the breakdown of how many hours they worked and how much money was paid out in the past year and whether any complaints were received concerning their work.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that this matter be continued to July 27, 2004.

SETTLEMENT AND COOPERATIVE AGREEMENTS WITH ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE SR 22 PROJECT (F: 55) (XR: 62.2) (XR: 23.18C)

Staff report dated July 13, 2004, was introduced.

The Mayor and Council Members each spoke on the City's success in the lawsuit with OCTA, noting that these improvements will improve the traffic flow in the city.

It was moved by Mayor Broadwater, seconded by Councilman Dalton, and carried by unanimous vote, that the Settlement and Cooperative Agreements by and between the City of Garden Grove and the Orange County Transportation Authority, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreements.

REJECTION OF SINGLE BID FOR SERVICES TO TRIM OLEANDER BUSHES AT VARIOUS LOCATIONS FOR FY 2004-05 (F: 24.1) (XR: 60.5)

Staff report dated July 13, 2004, was introduced, noting that since only one contractor participated in the bidding, the job pricing was not competitive. It is expected that the cost could be lowered significantly by rebidding the project for a one-year term with the option to renew one year at a time.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the single bid to trim the oleander bushes at various locations in the city for FY 2004-05, be and hereby is rejected; and the Purchasing Agent is authorized to re-bid the project.

REJECTION OF ALL BIDS RECEIVED FOR THE HARBOR BOULEVARD/GARDEN GROVE BOULEVARD INTERSECTION IMPROVEMENT PROJECT
(F: 96.Proj.7244)

Staff report dated July 13, 2004, was introduced, noting that the bids received were approximately double the estimated cost of \$6.6 million; therefore, it is not economically feasible to award the project at this time. Staff is presently analyzing the project and bid proposals to maximize the cost effectiveness of the project; and it is

believed that once the design of the project is refined and the building boom has subsided, the project will then be economically feasible.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that all bids received for the Harbor Boulevard/Garden Grove Boulevard Intersection Improvement Project, be and hereby are rejected.

DOCUMENTATION FOR THE NOVEMBER 2, 2004, GENERAL MUNICIPAL ELECTION (F: 58.2.2004)

Staff report dated July 13, 2004, was introduced.

RESOLUTION NO. 8591-04

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8591-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, be and hereby is adopted, giving notice for the offices of Mayor and two members of the City Council.

RESOLUTION NO. 8592-04

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8592-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2004, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTION CODE, be and hereby is adopted.

RESOLUTION NO. 8593-04

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution

No. 8593-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004, be and hereby is adopted.

WEST ORANGE COUNTY WATER BOARD PROPOSED BUDGET FOR FISCAL YEAR 2004/05 (F: 112.9)

Staff report dated July 13, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the West Orange County Water Board Proposed Budget for Fiscal Year 2004/05, be and hereby is approved.

MINUTES (F: Vault)

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held June 8, 2004, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that regular warrants 312206, 314546 through 316122, wire W147; and payroll warrants 135249 through 135714, Direct Deposits D92636 through D93718, and wires W859 through W866, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

RECESS: 8:18 p.m.

RECONVENE: 12:25 a.m. on July 14, 2004.

SELECTION OF EMERGENCY GROUND AMBULANCE PROVIDER (F: 55)
(XR: 26.1)

Staff report dated July 13, 2004, was introduced, and the Fire Chief reviewed the Request for Proposals (RFP) and the rating processes. The three proposals that successfully went through the process were American Medical Response (AMR), CARE ambulance, and Emergency Ambulance.

Chad Drueten, representing Emergency Ambulance Services of Brea, addressed the Council, expressing appreciation for the consideration, noting that they are honored to have been ranked as outstanding.

John Hincks, representing AMR, addressed the Council. He reviewed their strong points and calls for service.

Rick Richardson, representing CARE Ambulance, addressed the Council. He reviewed their strong points, calls for service, and their service record, noting that they have received no complaints of their service in Garden Grove. He expressed appreciation for staff's support.

Bryan Balmer, representing AMR, addressed the Council, indicating that he believes their company is the best.

Jeremiah Berman, representing AMR, addressed the Council, speaking in support of AMR.

Dana Harms, Discharge Planner at the Garden Grove Hospital, addressed the Council, speaking in support of AMR.

Harry Krebs addressed the Council, speaking in support of CARE Ambulance.

Hy Lam addressed the Council, speaking in support of AMR.

It was moved by Councilman Rosen, seconded by Mayor Broadwater, and carried by unanimous vote, that CARE Ambulance be selected as Garden Grove's Emergency Ground Ambulance provider for a period of five years, with two one-year extensions; staff and the City Attorney are authorized to negotiate an agreement consistent with the provider proposal; and the Mayor is authorized to execute the agreement.

PUBLIC HEARING – APPEAL OF SITE PLAN NO. SP-336-03
(F: 116.SP-336-03)

Appeal of Site Plan No. SP-336-03. The appellant, Ajit Dighe/The Practice, is requesting approval to construct a single-story 9,950 square foot commercial building on a site within a commercial Planned Unit Development located on the west side of Valley View Street, south of Chapman Avenue, at 12101 Valley View Street.

On May 5, 2004, the City Planning Commission, pursuant to Resolution No. 5419, denied SP-336-03. On May 24, 2004, an appeal was filed by the appellant. Pursuant to public notice published on July 1, 2004, public hearing on the case was ordered by the City Council to be held this date.

Communication from the appellant, dated July 13, 2004, was introduced, requesting that this matter be continued to July 27, 2004.

It was moved by Councilman Dalton, seconded by Councilman Tran, that this matter be continued to July 27, 2004.

PUBLIC HEARING – AMENDMENT NO. A-111-04 AND GENERAL PLAN AMENDMENT NO. GPA-2-04 (F: 115.A-111-04) (XR: 20.GPA-2-04)

Amendment No. A-111-04 and General Plan Amendment No. GPA-2-04, initiated by Vernon Enterprises, proposing to construct an approximately 9,500 square foot commercial building at the southwest corner of Chapman Avenue and Haster Street, at 12972 Chapman Avenue. A-111-04 proposes to change the zoning designation from R-1 (Single-Family Residential) to C-1 (Neighborhood Commercial); and GPA-2-04 proposes to change the land use designation of the site from Low Density Residential to Light Commercial.

On May 20, 2004, the City Planning Commission, pursuant to Resolution No. 5430, recommended approval of A-111-04 and GPA-2-04. Pursuant to public notice published on July 1, 2004, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated July 13, 2004, was introduced.

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. 2633 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 A ZONE CHANGE AMENDMENT CHANGING THE ZONING DESIGNATION FROM R-1 (SINGLE-FAMILY RESIDENTIAL) ZONE TO C-1 (NEIGHBORHOOD COMMERCIAL)

ZONE, FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CHAPMAN AVENUE AND HASTER STREET AT 12972 CHAPMAN AVENUE, PARCEL NOS. 231-311-15, 16, 17, 18 AND 19

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2633 be waived, and said Ordinance be and hereby is passed to second reading.

RESOLUTION NO. 8594-04

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8594-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A GENERAL PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO LIGHT COMMERCIAL FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CHAPMAN AVENUE AND HASTER STREET AT 12972 CHAPMAN AVENUE, PARCEL NOS. 231-311-14, 15, 16, 17, 18 AND 19, be and hereby is adopted.

SECOND READING OF ORDINANCES NO. 2631 AND NO. 2632

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinances No. 2631 and No. 2632 be waived.

ORDINANCE NO. 2631 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 AMENDMENT NO. A-106-04, AN AMENDMENT OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE SECTION 9.16.040G TO ALLOW GROUND-MOUNTED MECHANICAL EQUIPMENT IN THE SIDE OR REAR SETBACKS ON PROPERTIES IMPROVED WITH A SINGLE-FAMILY HOME AND DELETING THE REQUIREMENT OF APPROVAL OF A DIRECTOR'S REVIEW FOR ENCROACHING INTO THE REQUIRED SETBACK WITH MECHANICAL EQUIPMENT (F: 115.A-106-04) (XR: 50.3)

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Ordinance No. 2631 be waived, and said Ordinance be and hereby is declared passed.

ORDINANCE NO. 2632 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 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 (F: 60.11)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2632 be waived, and said Ordinance be and hereby is declared passed.

DISCUSSION CONCERNING CITY'S VOTE ON THE ORANGE COUNTY VECTOR CONTROL DISTRICT BALLOTS FOR A PROPOSED ADDITIONAL ASSESSMENT TO FUND RED IMPORTED FIRE ANT CONTROL SERVICES AND TO RESPOND TO NEW DISEASES SUCH AS THE WEST NILE VIRUS, AS REQUESTED BY COUNCILMAN LEYES (F: 53.1) (XR: 23.20)

This matter was continued from the meeting of June 22, 2004.

It was moved by Councilman Leyes, seconded by Councilman Rosen, that the City should cast its ballots in opposition to the additional assessment. Said motion carried by the following vote:

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

DISCUSSION REGARDING SUPPORT OF COUNTYWIDE VOTE ON CENTERLINE, AS REQUESTED BY COUNCILMAN LEYES (F: 53.1) (XR: 23.18F)

Councilman Rosen moved, seconded by Mayor Broadwater, that this matter be continued to July 27, 2004. Said motion carried by the following vote:

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

Councilman Leyes noted his opposition for the record.

APPOINTMENTS TO SERVE ON THE CITY'S 50TH ANNIVERSARY BLUE RIBBON COMMITTEE (F: 122.75)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that Janine Fowler, Connie Margolin, Ken Nguyen, Joseph Ryan, and Larry Squires, be and hereby are appointed to serve on the City's 50th Anniversary Blue Ribbon Committee.

MATTERS FROM THE MAYOR AND CITY COUNCILMEMBERS

Councilman Leyes reported on the Symphony Under the Stars that was held on July 10 and reminded everyone of concerts in the park throughout the summer months. He also commented on the programs in the Amphitheater. (F: 53.1)

Councilman Rosen noted that the Fenians will be appearing at Eastgate Park on July 15. (F: 53.1)

Mayor Broadwater requested information concerning the TET Festival receipts, what charity groups they donate funds to, and how much money they raise. He would also like a copy of their contract. (F: 53.1) (XR: 42.8a)

ADJOURNMENT

At 1:35 a.m. on July 14, 2004, the meeting was declared adjourned.

RUTH E. SMITH
CITY CLERK