

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 27, 2004, at 6:53 p.m.

ROLL CALL: PRESENT: (4) MAYOR BROADWATER, COUNCILMEMBERS
DALTON, ROSEN, TRAN

ABSENT: (1) LEYES (Councilman Leyes joined the meeting at
7:03 p.m.)

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; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

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

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward a group of specially-trained volunteers who represent the first graduating class of the Garden Grove Community Emergency Response Team (CERT), along with members of the public Safety Team who were instrumental in the development, coordination and training of the CERT Program, and presented them with Certificates of Recognition. (F: 52.3)

PRESENTATION

The Orange County Child Abuse Services Team (CAST) presented Police Chief Joe Polisar and Detectives who make up the Crimes Against Persons/Sexual Assault unit, with a plaque honoring their 15 years of Partnership serving the children of Orange County.

RECESS

At 7:03 p.m., the Mayor declared a recess. (Councilman Leyes joined the meeting at 7:03 p.m.)

RECONVENE

At 7:07 p.m., the meeting was reconvened with Mayor Broadwater and all Council members in attendance.

ORAL COMMUNICATIONS – PUBLIC

David Vill, President of the Garden Grove Chapter of AARP, addressed the Council, inviting everyone to attend their next meeting on August 17. He also spoke against permitting fireworks in Garden Grove. (F: 53.3) (XR: 61.6)

Tony Renich addressed the Council, noting his opposition to permitting fireworks in Garden Grove. (F: 53.3) (XR: 61.6)

Sharon Tanihara addressed the Council, noting her opposition to permitting fireworks in Garden Grove. She indicated she would be circulating a petition to ban the sale and use of fireworks in Garden Grove. (F: 53.3) (XR: 61.6)

RECESS

At 7:26 p.m., the Mayor declared a recess.

RECONVENE

At 7:38 p.m., the meeting was reconvened with Mayor Broadwater and all Council members in attendance.

COMMUNICATION FROM U.S. SMALL BUSINESS ADMINISTRATION FOR USE OF VARIOUS ROOMS AT THE COMMUNITY MEETING CENTER (F: 88.1) (XR: 48.4)

Communication dated June 30, 2004, from the U.S. Small Business Administration in Santa Ana, was introduced, requesting use of the Community Meeting Center for their second annual Small Loan Fair.

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that the request from the U.S. Small Business Administration for use of various rooms at the Community Meeting Center on January 26, 2005, for the Small Loan Fair, be and hereby is approved.

AWARD OF CONTRACT FOR THE ROOF REPLACEMENT AT FIRE STATION NO. 5
(F: 55) (XR: 24.1) (XR: 61.1)

Staff report dated July 27, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that Mapon, Inc., be and hereby is determined to be the lowest acceptable bidder in connection with the roof replacement at Fire Station No. 5; that contract for said project be and hereby is awarded to said company in the sum of \$27,500.00, 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. 7630, CONSTRUCTION OF CHAPMAN SPORTS COMPLEX PARKING LOT (F: 73.23.Proj.7630) (XR: 73.23)

Staff report dated July 27, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that Caliber Paving Company, Inc., be and hereby is determined to be the lowest and only bidder in connection with Project No. 7630, Construction of Chapman Sports Complex Parking Lot; that the bid irregularities in the bid proposal be waived; that contract for said project be and hereby is awarded to said company in the sum of \$223,980.00, in accordance with the terms of the City's plans and specifications; and the Mayor and City are authorized to execute said contract.

PROJECT NO. 7117, TRAFFIC SIGNAL INSTALLATIONS AND MODIFICATIONS AT VARIOUS LOCATIONS - PLANS AND SPECIFICATIONS (F: 100.Proj.7117)

Staff report dated July 27, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that plans and specifications for the above-titled project, be and hereby are approved; and the City Clerk is authorized to advertise for bids.

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 27, 2004, was introduced, and it was noted that this

matter was continued from the meeting of July 13, 2004.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that renewal of the Agreement by and between the City of Garden Grove and Esgil Corporation, for building plan check services on an as-needed basis, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT WITH THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY FOR THE CITY'S PARTICIPATION IN THE WEATHER BASED IRRIGATION CONTROLLER REBATE PROGRAM FOR SINGLE-FAMILY RESIDENTIAL AND SMALL COMMERCIAL PROPERTIES (F: 55) (XR: 112.5)

Staff report dated July 27, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the Municipal Water District of Orange County, for the City's participation in the Weather Based Irrigation Controller Rebate Program for single-family residential and small commercial properties, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AMENDMENT TO FINANCIAL ASSISTANCE AGREEMENT WITH THE COUNTY OF ORANGE FOR FUNDING NEEDED FOR THE CONSTRUCTION OF THE INDOOR SPORTS COMPLEX AT GARDEN GROVE PARK (F: 55) (XR: 73.5C)

Staff report dated July 27, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the Amendment to the Financial Assistance Agreement by and between the City of Garden Grove and the County of Orange for funding needed for the construction of the indoor sports complex at Garden Grove Park, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AGREEMENT WITH THE CITY OF ANAHEIM TO DISBURSE CONSTRUCTION FUNDS FOR THE REHABILITATION OF EUCLID STREET BETWEEN PATRICIA DRIVE AND KATELLA AVENUE, PROJECT NO. 7237, PHASE VI (F: 96.PROJ.7237, PHASE VI)

Staff report dated July 27, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the Agreement by and between the City of

Garden Grove and the City of Anaheim, to disburse construction funds for the rehabilitation of Euclid Street between Patricia Drive and Katella Avenue, Project No. 7237, Phase VI, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

CONTRACT WITH THE COUNTY OF ORANGE FOR THE OPERATION OF WORKFORCE INVESTMENT ACT YOUTH PROGRAMS ADMINISTERED THROUGH THE PERSONNEL SERVICES YOUTH EMPLOYMENT DIVISION (F: 55) (XR: 78.4A)

Staff report dated July 27, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the Contract by and between the City of Garden Grove and the County of Orange for the operation of Workforce Investment Act Youth Programs administered through the Personnel Services Youth Employment Division, be and hereby is approved; and the City Manager or his designee is authorized to execute the contract and any amendments during FY 2004-05.

RESOLUTION ADOPTING A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM TO ENABLE THE CITY TO PROCEED WITH FEDERALLY FUNDED HIGHWAY PROJECTS (F: 117.13)

Staff report dated July 27, 2004, was introduced.

RESOLUTION NO. 8595-04

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Resolution No. 8595-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR ALL PROJECTS IN THE CITY OF GARDEN GROVE RECEIVING UNITED STATES DEPARTMENT OF TRANSPORTATION FUNDING AND ESTABLISHING A DISADVANTAGED BUSINESS GOAL OF 12 PERCENT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2005, be and hereby is adopted.

RESOLUTION INCREASING THE PERSONAL SERVICES AGREEMENT AMOUNTS THAT MAY BE EXECUTED BY THE CITY MANAGER WITHOUT CITY COUNCIL AUTHORIZATION; INCREASING THE TOTAL AMOUNT ON PUBLIC WORKS CONTRACTS AWARDED TO A CONTRACTOR DURING A YEAR; AND CHANGING THE TIME FRAME OF THOSE TWO CONTRACT LIMITATIONS FROM A CALENDAR TO A FISCAL YEAR BASIS (F: 55.1)

Staff report dated July 27, 2004, was introduced.

RESOLUTION NO. 8596-04

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Resolution No. 8596-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE CERTAIN AGREEMENTS, be and hereby is adopted.

MINUTES (F: Vault)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held June 22, 2004, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that regular warrants 316123 through 316727, wires W148-W151, and payroll warrants 135715 through 136094, Direct Deposits D93719 through D94265, and wires W867 through W872, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

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; and pursuant to Legal Notice published July 1, 2004, public hearing on the case was ordered by the City Council to be held on July 13, 2004, at which time it was continued to this date.

Staff report dated July 13, 2004, was introduced, and staff reviewed the background information concerning this proposed project.

Councilman Rosen posed several questions to staff concerning parking. Staff noted that there are 229 spaces on the site for the movie theater and the Chinese restaurant, which is the same number as there was before the stalls on the whole site were reconfigured and restriped. The Code

requires 472 parking spaces for the site, and these spaces are shared parking spaces. In the proposed conditions of approval it states that the owner of the subject property needs to get the written consent from the owner of the bowling alley for the shared parking before they can go ahead with this project.

Councilman Rosen referenced a site plan rendering, and staff noted that the McDonald's sign would still be visible from Valley View. In response to a question by Councilman Dalton, staff noted that written consent for shared parking has not yet been received from the bowling alley owner.

In response to an inquiry by Councilman Tran, staff noted that the prior property owner opposed this project.

The City Manager noted that the parking issue has to be resolved between the two owners before this project can go forward.

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

John Erskine, Attorney representing the appellant, addressed the Council. He acknowledged the extensive work that staff has done on this project. He noted that he was retained by the project applicant after the Planning Commission denial of the staff recommended approval of the site plan request. He noted that he believes this applicant will do a very good job updating the Center, and the project will be an asset to Garden Grove.

He noted that the applicant wants to upgrade and modernize the look of the existing Four Star Cinema and the Chinese Garden Restaurant on Valley View and add a new building at the front of the site.

He further noted that the applicant's proposal conforms to all Code requirements for parking, traffic circulation, and points of pedestrian access. There are no variance requests on this project, and it fits within the PUD requirements. There is a recorded reciprocal parking agreement for Lots 128, 129, 131, and 132, and it requires cooperative reciprocal parking across the entire site. There is also an amendment that says that in the event there is no net loss of parking by any expansion of any use within that reciprocal easement agreement area, no consent is required by the adjoining landowner. They have been unsuccessful in locating the new bowling alley owner. He further noted that the applicant would be required to implement additional parking, or at least a parking management plan, that could provide for valet parking or other mechanisms in the event future parking conditions required that.

Ajit Dighe, project architect, addressed the Council. He showed some computer-generated photographs, discussing the layout, noting that they were not shown to the Planning Commission. They want to be a good neighbor. He noted they accommodated McDonald's concerns by modifying their plans. He also noted that they would have liked to have had the previous bowling alley owner join in with them to give their building a facelift; however, because of the sale and bankruptcy, they were not interested. Additionally, all the signs will be redone, and there will be a more organized signage plan.

John Erskine readdressed the Council, noting that the August 15 parking study update gave an analysis of the current demand for parking at the site, and he reviewed portions of this.

Craig Schneider from Rick Engineering addressed the Council, noting that in their opinion there is more than adequate parking for the site based on their two different types of analysis, one was looking at the existing and one was a shared parking analysis where it takes into account all the different types of businesses, uses their peak parking projection, and overlays them throughout the day in the different months to determine what that actual peak would be.

Further discussion ensued relative to the size of the reconfigured parking spaces.

Randall Kimoto, representing McDonald's Corporation and the owner-operator, addressed the Council, presenting their concerns about the trash enclosure.

Patti Widdicomb addressed the Council and viewed the photographs of the trash enclosure, noting her concerns about transformers and access to the drive-through and lighting and visibility.

Mayor Broadwater called forward Mr. Erskine and Mr. Dighe to discuss parking places that concerned McDonald's.

Discussion then ensued relative to the visibility of McDonald's when traveling north on Valley View. Councilman Rosen suggested some tree trimming take place. Mayor Broadwater suggested a hedge instead of the trees to accommodate the sign.

Councilman Dalton suggested that Mr. Erskine meet with Ms. Widdicomb to discuss her concerns.

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

It was the consensus of the Council members that discussions take place between the developer, the owner of McDonald's, and staff in order to reach a consensus and return to Council in two weeks for further consideration.

SECOND READING OF ORDINANCE NO. 2633

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2633 be waived.

ORDINANCE NO. 2633 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 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 (F: 115.A-111-04) (XR: 20.GPA-2-04)

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that Ordinance No. 2633 be and hereby is declared passed.

DISCUSSION CONCERNING COUNTY VOTE AND CITY VOTE ON CENTERLINE, AS REQUESTED BY COUNCILMAN LEYES AND COUNCILMAN ROSEN (F: 53.1) (XR: 23.18F)

It was noted that this item was continued from the meeting of July 13, 2004.

Councilman Leyes noted that the Council missed its chance to provide input to the OCTA Board. The OCTA Board does not support placing this measure on the ballot. However, the Orange County Board of Supervisors will be voting on this very shortly, and there are two representatives from Garden Grove on that Board. He noted that he personally opposes the CenterLine Project, but the voters should have a chance to vote for or against it.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that the Mayor send letters to members of the

Orange County Board of Supervisors urging them to place this issue on the November ballot for a public vote.

REQUEST FROM THE ORANGE COUNTY TRANSPORTATION AUTHORITY TO SELECT ONE COUNCIL MEMBER AND AN ALTERNATE TO PARTICIPATE IN THE ELECTED OFFICIALS ROUNDTABLE FOR THE CENTRAL COUNTY CORRIDOR STUDY
(F: 23.18D) (XR: VIP)

It was moved by Mayor Broadwater, seconded by Councilman Dalton, and carried by unanimous vote, that Councilman Rosen be selected as representative and Councilman Leyes as alternate for the Elected Officials Roundtable for the Central County Corridor Study.

MATTERS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Councilman Leyes commented about the State budget and noted that he and his wife, Wanda, received a Blue Ribbon at the Orange County Fair for their oranges. He commented on the Medfly quarantine in the area in this regard. He also urged everyone to attend the free concerts at Eastgate Park on Thursday evenings. (F: 53.1)

Councilman Dalton wished Councilman Leyes and his wife, Wanda, a Happy Anniversary. (F: 53.1)

Councilman Rosen spoke about the fireworks issue. He noted that he and his family visited Branson, Missouri, where fireworks are allowed to be sold but not to be set off within the City limits. (F: 53.1) (XR: 61.6)

Councilman Tran requested that staff send a letter to the Tet Festival committee advising them that they are \$45,000 short on their donations to non-profit groups and six months late. He also asked Councilman Leyes to bring his prize fruit to the next Council meeting. (F: 53.1) (XR: 42.8a)

Mayor Broadwater wished Councilman Leyes and his wife, Wanda, a Happy Anniversary. (F: 53.1)

ADJOURNMENT

At 9:05 p.m., the meeting was declared adjourned.

RUTH E. SMITH
CITY CLERK