

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, August 10, 2004, at 6:48 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 Division Chief, Dave Barlag (for Fire Chief); Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; Public Works Director, Keith Jones; City Attorney, John Shaw; and Deputy City Clerk, Priscilla Stierstorfer.

INVOCATION AND PLEDGE

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

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Ruth Smith and Jay Mastroianni and presented them with plaques in recognition of being chosen Garden Grove Chamber of Commerce 2004 Woman and Man of the Year.
(F: 52.3) (XR: 42.1)

PRESENTATION

A representative from the Orange County Sanitation District presented a plaque to Keith Jones, Public Works Director, which he accepted on behalf of the crew who responded and provided assistance during a recent sewage spill on Lampson Avenue near Knott Street.
(F: 52.3) (XR: 23.14) (XR: 24.1)

ORAL COMMUNICATIONS – PUBLIC

Robin Marcario commented regarding the actions at the last Planning Commission meeting. She was in favor of the Agreements with the Orange County Children and Families Commission and Templo Calvario, Inc., listed on this agenda. (F: 53.3) (XR: 122.10)

Cy LaBree commented regarding the revised Transportation System Improvement Program suggesting that the money for the city's streets should come from the developers. (F: 53.3)

Ray Littrell commented regarding eminent domain and the Twintree project. He also commented regarding the parking lot on Valley View, indicating that the owners of the bowling alley should not have the burden to fix the parking problem. The developer should fix the parking lot. Additionally, he noted that the School District should be consulted when there is a large development such as the Brookhurst Triangle. (F: 53.3)

David Lautherboren commented regarding a newspaper article that Michigan is turning decisions on eminent domain in favor of the property owner. He commented regarding a rumor that he heard that land was being acquired for an Indian casino in Garden Grove. He did not oppose this because it is a way to recover and pay off debts. (F: 53.3) (XR: 24.12)

Norman Ross commented regarding his criminal record, police harassment, and requested Council assistance to clear his record. (F: 53.3)

RECESS

At 7:25 p.m., the Mayor declared a recess.

RECONVENE

At 7:26 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

PROCLAMATION – NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH
(F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that September 2004, be and hereby is proclaimed as National Alcohol and Drug Addiction Recovery Month.

EXONERATION OF SUBDIVISION IMPROVEMENT BONDS FOR TRACT MAP NO. TR 16498, LOCATED ON THE EAST SIDE OF TAFT STREET AND NORTH OF TRASK AVENUE (F: 116.PUD-100-03) (XR: 103.TT-16498) (XR: 116.SP-321-03) (XR: 106.136)

Staff report dated August 10, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the exoneration of subdivision improvement bonds, posted by Taft Avenue Cottages Associates, LLC, and acceptance of public improvements on Taft Street and the development water system and appurtenant structures for City maintenance, be and hereby are authorized.

REVISED TRAFFIC SIGNAL JOINT MAINTENANCE AGREEMENT WITH THE CITY OF WESTMINSTER FOR THE INTERSECTION OF WESTMINSTER AVENUE AND DEODORA STREET/SWAN STREET (F: 55) (XR: 100.1)

Staff report dated August 10, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the revised Traffic Signal Joint Maintenance Agreement with the City of Westminster for the intersection of Westminster Avenue and Deodora Street/Swan Street be and hereby is approved; and the Mayor and City Clerk are authorized to execute said contract.

RENEWAL OF AGREEMENT WITH ORANGE COUNTY CHILDREN AND FAMILIES COMMISSION FOR THE PROVISION OF HEALTH CARE ACCESS SERVICES AT THE MAGNOLIA PARK FAMILY RESOURCE CENTER (F: 55) (XR: 73.8a)

Staff report dated August 10, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the renewal of the Agreement by and between the City of Garden Grove and Orange County Children and Families Commission for the provision of Health Care Access services at the Magnolia Park Family Resource Center, be and hereby is approved; that the addition of one full-time Eligibility Technician position be and hereby is approved; and that the Mayor and City Clerk are authorized to execute the agreement.

AMENDMENT NO. 1 TO THE WATER QUALITY ORDINANCE IMPLEMENTATION AGREEMENT WITH THE ORANGE COUNTY FLOOD CONTROL DISTRICT (F: 55) (XR: 112.15)

Staff report dated August 10, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that Amendment No. 1 to the Water Quality Ordinance Implementation Agreement with the Orange County Flood Control District to provide National Pollutant Discharge Elimination System authorized inspector services, under the City's municipal code that governs Storm Water Quality be and hereby is approved; and the Mayor and City Clerk are authorized to execute said agreement.

AGREEMENT WITH TEMPLO CALVARIO, INC. (F: 55) (XR: 73.20a)

Staff report dated August 10, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the Agreement with Templo Calvario, Inc., for after school tutoring and enrichment services at the Buena Clinton Family Resource Center, be and hereby is approved; and the City Manager and City Clerk are authorized to execute said agreement.

AWARD OF PURCHASE – SOUTH COAST FIRE – ONE LADDER TRUCK – FINANCE/PUBLIC WORKS DEPARTMENTS (F: 60.4) (XR: 61.1)

Staff report dated August 10, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that a purchase order for one ladder truck, be and hereby is awarded to the lowest qualified bidder, South Coast Fire in the amount of \$776,202.99.

2003/04 STREET REHABILITATION PROJECT - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 55) (XR: 24.2)

Staff report dated August 10, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the 2003/04 Street Rehabilitation Project, be accepted as complete as of this date; the Finance Director is authorized to release the retention payment to Ben's Asphalt, Inc., when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

WARRANTS (F: 60.5)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that regular warrants 316728 through 318204 and wires W150 and W152; and payroll warrants 135546, 136095 and 136101 through 136415, Direct Deposits D94266 through D94814, and wires W873 through W878, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING TO CONSIDER THE 2004 DRINKING WATER PUBLIC HEALTH GOAL REPORT (F: 112.1)

Staff report dated August 10, 2004, was introduced. Staff noted that the Safe Drinking Water Act sets the mandatory and enforceable levels of constituents in water known as Maximum Contaminant Levels. The range and value of these constituents must be communicated to customers annually in a Water Quality Report. Staff prepared and mailed this report to water customers during the month of July 2004, as required by the California Department of Health Services.

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

Ray Littrell questioned where the nitrates go.

David Lautherboren commented that his water sometimes comes out of the tap brown. Staff from Public Works was directed to call Mr. Lautherboren regarding the condition of his water.

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

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote that the 2004 Drinking Water Public Health Goal Report be and hereby is received and ordered filed.

RECOMMENDATION BY THE TRAFFIC COMMISSION TO RESTRICT ON-STREET PARKING ON THE NORTH SIDE OF CHAPMAN AVENUE BETWEEN MAGNOLIA STREET AND LORELEEN STREET (F: 122.11)

Staff report dated August 10, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that the recommendation of the Traffic Commission to restrict on-street parking and add a bike lane on the north

side of Chapman Avenue between Magnolia Street and Loreleen Street, be and hereby is approved.

APPEAL OF SITE PLAN NO. SP-336-03 TO CONSTRUCT A NEW SINGLE-STORY COMMERCIAL BUILDING (F: 116.SP-336-03)

Staff report dated August 10, 2004, was introduced, noting that the public hearing was held on July 27, 2004. At that meeting, staff was directed to meet with the applicant and the representatives from McDonald's to find a resolution between the parties about the parking area and trash enclosure at the rear of the McDonald's lot.

In response to Mayor Broadwater, Patti Widdicomb commented that they have come to an agreement that they can live with. They have agreed to move McDonald's dumpsters and to look at the parking lot.

Mr. Randall Kimoto, Attorney representing McDonald's, commented that within the existing trash enclosure, there is a waterline and electric line that they would like to have moved. They are in support of the project with the changes to the conditions of approval.

John Erskine, Attorney representing the appellant, commented that he would like to see an additional condition No. 58 allowing for reciprocal access and shared use of the parking spaces developed in the area immediately north of the northwest corner of the McDonald's property. He noted that they are also in agreement with the waterline.

Councilman Rosen commented that in Ms. Widdicomb's letter, she noted that the building height was not resolved. Ms. Widdicomb commented that she would like to keep that open to look at the signage.

Mr. Erskine commented that it was staff's suggestion to add a parapet to improve the design, and they agreed to it.

In response to Councilman Rosen, the City Manager commented that the City is not requiring the parapet to be 30 feet although staff feels that it would be a better looking project with a parapet.

In response to Councilman Rosen, Ms. Widdicomb commented that she would like to have the McDonald's sign 30 feet high; however, it will depend on the cost.

Councilman Leyes questioned whether there is a restriction on the Planned Unit Development on signage that you have to ask the property owner's permission. Councilman Dalton questioned whether anyone has notified the owner of the bowling alley. Mr. Erskine responded to both that it is a

condition that the owner must give consent on signage, and they have not spoken to the owner of the bowling alley. He further commented that the parapet does not block the McDonald's sign.

RESOLUTION NO. 8598-04

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8598-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE APPEAL AND OVERTURNING THE PLANNING COMMISSION'S DENIAL OF SITE PLAN NO. SP-336-04 TO CONSTRUCT A NEW SINGLE STORY COMMERCIAL BUILDING LOCATED ON THE WEST SIDE OF VALLEY VIEW STREET, SOUTH OF CHAPMAN AVENUE AT 12101 Valley View Street, parcel nos. 224-202-15 and 224-202-16, be and hereby is adopted.

ESTABLISHMENT OF A 15 MPH SPEED LIMIT ON MAIN STREET FROM GARDEN GROVE BOULEVARD TO ACACIA PARKWAY; AND A 25 MPH SPEED LIMIT ON MAIN STREET FROM ACACIA PARKWAY TO COLLEGE STREET (F: 100.1) (XR: A-122.5)

Staff report dated August 10, 2004, was introduced.

Councilman Rosen commented that he could not see how changing the speed limit can be justified. He questioned whether the 85-percentile was used. The Traffic Engineer commented that it can be changed if the City Council determines that there is a hazardous condition that justifies the reduction in the speed limit to 15 MPH. He further noted that the fact that there are no curbs or gutters makes the street a hazardous condition for the pedestrians. A study was done that showed that drivers are going 15 MPH in a 25 MPH zone, which would justify the reduction. The merchants on Main Street are in favor 15 MPH.

Councilman Leyes commented that Main Street is a unique area. Some people have been talking about requesting that it be a one-way street. Having the speed be 15 MPH south of Acacia is not unreasonable.

Councilman Rosen commented that he is going by his experience as a judge pro tem prior to being on the City Council, the 85-percentile, and the possibility for a speed trap.

Councilman Dalton commented that the intent is not to establish a speed trap. It is a street of historic value that the City wants to show off.

ORDINANCE NO. 2634 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 SPEED LIMITS FOR CERTAIN DESIGNATED CITY

STREETS BASED UPON UPDATED TRAFFIC AND ENGINEERING SPEED SURVEY

Councilman Dalton moved, seconded by Councilman Leyes, that full reading of Ordinance No. 2634 be waived. Upon the following vote:

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

said Ordinance be and hereby is passed to second reading.

REVISED TRANSPORTATION SYSTEM IMPROVEMENT PROGRAM (F: 60.2B)
(XR: 23.18C) (XR: 50.2)

Staff report dated August 10, 2004, was introduced.

Councilman Leyes commented that there are some legal requirements that our fees be based on cost. It makes more sense that the fees be higher for a high-density development. He noted that this fee does increase the cost of development and the cost of the end product. Given the increase in revenue from the Measure M Fund, it makes sense to change the traffic impact fee at this time.

RESOLUTION NO. 8599-04

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Resolution No. 8599-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING A TRAFFIC IMPACT MITIGATION FEE FOR DEVELOPMENT WITHIN THE CITY OF GARDEN GROVE, be and hereby is adopted.

ORDINANCE NO. 2635 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADDING CHAPTER 10.110 ENTITLED " TRAFFIC IMPACT MITIGATION FEE", TO TITLE 10 "VEHICLE AND TRAFFIC" OF THE MUNICIPAL CODE

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2635 be waived, and said Ordinance be and hereby is passed to second reading.

MATTERS FROM THE MAYOR AND CITY COUNCILMEMBERS

Councilman Dalton commented that the youth basketball program has gotten so large that the awards ceremony was moved from the Community Meeting Center to Garden Grove Park. This is one of many programs that provide something for the youth. When you see it growing, you see it working. (F: 53.1)

Councilman Dalton commented that he worked with Bill Morrissey at the Police Department. Mr. Morrissey's daughter had a baby in June, and the baby needed a heart transplant. He reported that the baby is doing great with the new heart. (F: 53.1)

Councilman Rosen wished his wife Sandy a Happy 28th Anniversary. (F: 53.1)

Councilman Rosen commented that on Friday night you could hear the cars as they are leaving Main Street. He noted that it is disruptive when there is a performance at the Amphitheater and questioned whether something can be done. (F: 53.1) (XR: 45.12)

Councilman Rosen announced that Macbeth is performing at the Festival Amphitheater until August 21. He urged everyone to attend. (F: 53.1) (XR: 87.5)

Councilman Rosen invited everyone to attend the two remaining free concerts at Eastgate Park sponsored by the Garden Grove Community Foundation. (F: 53.1)

Mayor Broadwater wished his wife Peggy a Happy 33rd Anniversary. (F: 53.1)

ADJOURNMENT

At 8:20 p.m., the meeting was adjourned in memory of Kathy Irving, secretary at St. Columban's School. (F: 46.9)

PRISCILLA STIERSTORFER
DEPUTY CITY CLERK