

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, September 9, 2003, at 6:55 p.m.

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

ABSENT: (0) NONE

ALSO PRESENT: City Manager, George Tindall; Assistant City Manager/Community Development Director, Matthew Fertal; Assistant City Manager/Public Works Director, Les Jones; Community Services Director, Cal Rietzel; Finance Director, Anthony Andrade; Fire Chief, Keith Osborn; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; Deputy City Attorney, Doug Holland; and Deputy City Clerk, Priscilla Stierstorfer.

INVOCATION AND PLEDGE

Assistant City Manager Matthew Fertal 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 Michael Feher, Richard Bravo, Jimmi Yasutake, Michael Adams, Sue Gulley, and Kathleen Silva and presented them with plaques commemorating their 25, 30, and 35 years of service to the City. (F: 52.3) (XR: 78.1)

PRESENTATION – COMMUNITY SPOTLIGHT

Mr. John Garcia and Mr. Gary Adams, representing the Orange County Transportation Authority (OCTA), provided a presentation concerning the status of the 22 Freeway Expansion. (F: 52.3) (XR: 23.18) (XR: 62.4)

ORAL COMMUNICATIONS – PUBLIC

Craig Durfey requested approval of the Proclamation designating September 26 as Developmental Disabilities Day and urged the Council to call the City's representatives to support the passage of HR 1390 and SB 42,

which will provide funding to train first responders in dealing with disabled victims. (F: 53.3) (XR: 83.1)

Carolyn Rowland commented that she requested that the City prepare development standards for PUD's, and inquired whether it will be addressed by staff. She also questioned whether the Wondries Fleet Group was a Garden Grove business to receive the purchase order for new police cars. Mayor Broadwater urged that her request on development standards be in writing to submit to staff for analysis. Also, the City joins with other entities to get the best price on cars. (F: 53.3)

David Lautherboren commented regarding the lack of proper transportation and the existence of unsafe conditions to drop off students at Santiago High School. (F: 53.3) (XR: 90.5)

Cheryl Armstrong commented regarding the referendum process and the people she met, some who complained about the unreasonable restrictions of the building codes. (F: 53.3) (XR: 58.14)

Bob Owens complained about the leadership in Sacramento. (F: 53.3)

Cy LaBree commented regarding the L.A. Times article on the development of the Brookhurst Triangle, and suggested the City sell its portion of the land to help its financial dilemma. (F: 53.3) (XR: A-116.7)

Tony Flores also commented regarding the L.A. Times article; indicating since the City is lacking in parks, the Brookhurst Triangle should be a park development. He also indicated the new gym should be at the old Costco site. (F: 53.3) (XR: A 116.7) (XR: 73.12a)

Kenda Taylor inquired whether there were any new plans for the Orangewood/Dale project. Mayor Broadwater commented that there is no project and the developer withdrew from escrow. (F: 53.3)

Verla Lambert read a statement of recognition of Bob Tax Fighter Dinsen. (F: 53.3)

Barbara Beck introduced herself as the new Government Liaison from the South Coast Air Quality Management District and provided a packet of information on the District. (F: 53.3) (XR: 74.16A)

Steve Raganold commented regarding the referendum and requested that the Council overturn the approval vote that was taken for the PUD on Gilbert. He requested better communication of future projects. (F: 53.3) (XR: 58.14) (XR: 116.PUD-102-02)

Dietrich Nicholson thanked the City Clerk for her assistance with a problem at the Senior Center. He also requested that staff review a proposed ordinance

requiring pet owners to pick up after their dogs and protect the water supply. Pet waste is a contributing factor to water pollution. (F: 53.3) (XR: 45.2) (XR: 87.7)

PRESENTATION OF CERTIFICATE AS TO VERIFICATION OF SIGNATURES FOR THE PETITION FILED AGAINST CITY COUNCIL ORDINANCE NO. 2607 (GILBERT ESTATES PLANNED UNIT DEVELOPMENT) (F: 58.14) (XR: 116.PUD-102-03)

The Deputy City Attorney commented that the Registrar of Voters has indicated that the referendum received a sufficient number of signatures. The City Council has the option to take action and rescind the zoning that was approved on the property, or set the matter for election either by calling a special election or including it with the November 2004 election. He noted that the City Council is not obligated to take action this evening although those are the only options that can be taken. He indicated that the rezone is stayed pending the conclusion of the process.

Councilman Dalton inquired whether the developer submitted any other proposals. The Deputy City Attorney advised that a new proposal was submitted that is consistent with the existing zoning and the General Plan. The new proposal includes 12 units and does not require a Planned Unit Development (PUD) or a variance.

Councilman Rosen commented that it is time that we stop treating the Central Garden Grove Residents Association as an invading army. After they started circulating the petition, they were treated with accusations of racism. The developer spent \$50,000 to stop the referendum; however, Central Garden Grove Association did a great job in getting the required signatures. He noted that at a previous meeting he submitted a proposal for an overlay zone for Gilbert Street, which was voted down and was not even submitted to staff. He commented that his proposed ordinance should have been sent to staff for review.

Councilman Leyes commented that Verla Lambert talked about Mr. Dinsen and the initiative that he successfully submitted regarding Proposition 218. The City Council adopted his initiative. He noted that the system does work. The developer submitted a new proposal for 12 homes, and the land value will help him to make the economics viable. He noted that he would vote in favor of rescinding the ordinance.

Councilman Dalton commented that the residents should have some say in their neighborhood. He noted that people should not say that the City Council does not listen to them, because some do. He indicated that most of the people will be able to live with the new proposal.

Councilman Tran congratulated the members of the Central Garden Grove Residents Association for a job well done and for involving the rest of the community in the process. He indicated that this was a positive experience for everyone.

Mayor Broadwater commented that he voted for the project not because he did not listen to the people but because he felt that it was a good project. He noted that he did not agree with Councilman Rosen's proposal of an overlay zone because he felt that it was spot zoning. He was willing to apply part of it to the entire city. He was in favor of changing the one-acre requirement for churches to two acres.

ORDINANCE NO. 2612 was introduced, and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REPEALING ZONING ORDINANCE NO. 2607.

It was moved by Mayor Broadwater, seconded by Councilman Rosen, and carried by unanimous vote that full reading of Ordinance No. 2612 be waived and said Ordinance be and hereby is passed.

SECOND READING OF ORDINANCE NO. 2611

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2611, be waived.

ORDINANCE NO. 2611 was presented for second reading and adoption and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 5.12 "REGULATION OF MASSAGE ACTIVITY" WITHIN THE CITY CORPORATE BOUNDARIES (F: 50.2) (XR: 82.1)

It was moved by Mayor Broadwater, seconded by Councilman Rosen, and carried by unanimous vote, that this item be continued to October 14.

RECESS

At 9:05 p.m., the Mayor declared a recess.

RECONVENE

At 9:15 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

PROCLAMATION – DEVELOPMENTAL DISABILITIES DAY IN GARDEN GROVE (F: 83.1)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that September 26, 2003, be and hereby is proclaimed as Developmental Disabilities Day in Garden Grove.

PROCLAMATION – RACE FOR THE CURE DAY IN GARDEN GROVE (F: 83.1)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that September 28, 2003, be and hereby is proclaimed as Race for the Cure Day in Garden Grove.

ACQUISITION OF REAL PROPERTY LOCATED AT 12141 GARDEN GROVE BOULEVARD, AS PART OF PROJECT NO. 7244 (F: 96.PROJ.7244) (F: 84.1)

Staff report dated September 9, 2003, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the acquisition of real property located at 12141 Garden Grove Boulevard, Parcel 1, for Project No. 7244, Widening and Improvement of the Harbor Boulevard/Garden Grove Boulevard Intersection, 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 \$3,600.00 to Ki Bong Han and Young Hee Han when appropriate to do so.

AMENDMENT NO. 7 TO COOPERATIVE AGREEMENT NO. C-95-974 WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY UPDATING THE LIST OF OPEN PROJECTS TO RECEIVE FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAMS AS SPECIFIED IN THE CTFP MANUAL AND THE BICYCLE AND PEDESTRIAN FACILITIES PROGRAM (F: 55) (XR: 23.18c) (XR: 97.19.77)

Staff report dated September 9, 2003, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that Amendment No. 7 to Cooperative Agreement No. C-95-974 by and between the City of Garden Grove and the Orange County Transportation Authority, updating the list of open projects to receive funding under the Combined Transportation Funding Programs as specified in the CTFP Manual and the Bicycle and Pedestrian Facilities Program; be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

LIGHTING AND HVAC ENERGY EFFICIENT RETROFIT PROGRAM FOR CITY FACILITIES - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 55) (XR: 33.6)

Staff report dated September 9, 2003, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the contract for Lighting and HVAC Energy Efficient Retrofit Program for City facilities, be accepted as complete as of this date; the Finance Director is authorized to release the retention payment to CMS Viron Energy Services, when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

AWARD OF PURCHASE – WONDRIES FLEET GROUP FOR FIVE POLICE CARS –
PUBLIC WORKS DEPARTMENT (F: 60.4) (XR: 82.4)

Staff report dated September 9, 2003, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that a purchase order for five Police patrol cars, be and hereby is awarded to the lowest qualified bidder, Wondries Fleet Group, in the amount of \$123,352.20.

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 10, 2003; 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 296038 through 296376, and payroll warrants 130515 through 130785, Direct Deposits D81261 through D81801, and wires W767 through W770, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

RECOMMENDATION FROM THE TRAFFIC COMMISSION MEETING OF
JULY 1, 2003 TO ADD TO THE TRAFFIC SIGNAL PRIORITY LIST (F: 122.11)

Staff report dated September 9, 2003, was introduced.

Councilman Tran commented that last year the Council approved a recommended list of intersections that needed traffic signals. He inquired as to how many have been completed. The Traffic Engineer noted that three intersections are complete. He indicated that it is a funding issue, and the remaining intersection will be completed, as the money is available.

In response to Councilman Tran, the Traffic Engineer commented that one intersection cost approximately \$122,000. In order to determine whether an intersection is in need of a traffic signal or whether it should remain on the priority list, points are assigned for traffic volume and a traffic signal warrant study is performed.

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that the recommendation from the Traffic Commission to add the intersections of Haster Street/Allard Avenue and Lampson Avenue/Ninth Street to the Traffic Signal Priority List be and hereby is approved.

AWARD OF CONTRACT FOR PROJECT NO. 7264, CONSTRUCTION OF MEDIAN ISLANDS ON GARDEN GROVE BOULEVARD FROM ROCKINGHORSE ROAD TO EUCLID STREET; PERMANENT STREET CLOSURE OF RANCHERO WAY AT TRASK AVENUE; INSTALLATION OF WESTBOUND TRAFFIC LANES FROM CIVIC CENTER DRIVE TO BROOKHURST STREET AND EASTBOUND TRAFFIC LANES FROM BROOKHURST STREET TO NINA PLACE (F: 96.PROJ.7264)

Staff report dated September 9, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that NATIV Engineering, Inc. be and hereby is determined to be the lowest acceptable bidder in connection with Project No. 7264, Construction Of Median Islands On Garden Grove Boulevard from Rockinghorse Road to Euclid Street; Permanent Street Closure of Ranchero Way at Trask Avenue; Installation of Westbound Traffic Lanes from Civic Center Drive to Brookhurst Street and Eastbound Traffic Lanes from Brookhurst Street to Nina Place; that contract for said project be and hereby is awarded to said company in the sum of \$443,741.00, 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 PROPOSED FORCE RESTRUCTURING ELEMENT OF THE FY 2003-04 BUDGET (F: 34.1[2003-04])

The City Manager announced that this item was continued from the meeting of August 26, 2003, and requested that it be continued to the meeting of October 14, 2003.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that consideration of the proposed force restructuring element of the FY 2003-04 Budget be continued to October 14, 2003.

CONSIDERATION OF SUPPORTING THE PROPOSED GROUNDWATER REPLENISHMENT SYSTEM PROGRAM (F: 122.6a) (XR: 112.6) (XR: 23.14)

Staff report dated September 9, 2003, was introduced.

Councilman Leyes commented that the program is a joint project sponsored by the Orange County Water District and the Orange County Sanitation District. It will take sewage, treat it, pipe it upstream, and put it into the groundwater system. He noted his concern with the economics of the project and requested that the agencies provide an economic analysis of the project. He indicated that after spending millions of dollars for the project, the cost would exceed purchasing drinking water from the Metropolitan Water District. The cost will be almost two times the price of water to fill the basin. We will be asked to drink our own sewage and paying for it. He commented that it is more expensive than it needs to be and not necessary.

Councilman Dalton commented that our resources are being overtaxed. He agreed that the costs are going up, but if this project is not done now and postponed to a later date, the costs will be more.

Councilman Rosen commented that it is the cost to construct the system that creates the higher rates that Councilman Leyes discussed. Our other sources of water are from the Colorado River and the California Water Project. He noted that California is growing, and we will have fewer resources and will need new sources of water.

Councilman Tran inquired whether the project will be constructed if the Council votes to support it or not support it. Staff responded that it will be built.

Councilman Tran inquired what the impact will be to the City if the Council supports the project. Staff noted that it is our hope that we can pump more water, which will reduce the cost of the system. The cost of water from the Metropolitan Water District will continue to go up. Some of the benefit to the project is seawater intrusion.

Councilman Leyes noted his support for the barrier but not for the cost of the pipeline.

Mayor Broadwater moved, seconded by Councilman Rosen, to send letters of support for the proposed Groundwater Replenishment System Program. The motion carried by the following vote:

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

CONSIDERATION OF A REPORT AND RECOMMENDATIONS BY THE CITY
COUNCIL AD HOC COMMITTEE ON YOUTH (F: 122.67)

The City Manager commented that staff is recommending that the City use the FOCUS Collaborative, which is an organization already established. The Ad Hoc Committee felt that the youth at risk in Garden Grove had options for services, and it was an issue of coordinating other services for other youth in the community.

Councilman Rosen commented that the Ad Hoc Committee noted that there is an absence of youth programs for kids in the middle who are not getting any attention. However, the City is not in a financial position to create any new youth programs. He indicated that the School District should get involved in programs. He commented that people have the misconception that the City Council controls the School District. It is not within the Council's jurisdiction.

Councilman Rosen moved, seconded by Councilman Dalton, to refer this report from the Ad Hoc Committee to the FOCUS Collaborative, which is already an existing private or quasi private organization dealing with youth programs.

Councilman Tran commented that when the Council appointed the members to the Ad Hoc Committee, they were to come up with recommendations to address issues relating to the youth in the city. He noted that now the City is basically kicking this entire issue back to the Collaborative, which is an organization that is already outstanding and working and operating in the City.

The Community Services Director commented that the concept would be to approach the FOCUS Collaborative and ask them to take this on and have them deal with it in a way that would be the most effective. They may have to set up a subcommittee to enlarge their membership to make sure that all the groups that need to be covered are covered. They have representation from non-profits and the School District.

Mayor Broadwater commented that he would like to thank the Ad Hoc Committee for doing a great job. Those people worked many hours, and they deserve a pat on the back from the City Council for their activities.

Councilman Rosen commented that his motion was to refer the report from the Ad Hoc Committee to the FOCUS Collaborative, and they can consider whether they can implement all or some of the recommendations of the Ad Hoc Committee.

The foregoing motion carried by a unanimous vote.

CONSIDERATION OF APPOINTMENTS BY THE CITY COUNCIL FOR MEMBERS OF AN AD HOC COMMITTEE TO PLAN THE CITY'S 50TH ANNIVERSARY CELEBRATION
(F: 122.75)

Mayor Broadwater requested that the Councilmembers have their appointees fill out applications for appointment to an Ad Hoc Committee to plan the City's 50th Anniversary celebration. The applications will be considered at an upcoming Council meeting.

MATTERS FROM THE MAYOR, CITY COUNCILMEMBERS AND CITY MANAGER

Councilman Leyes commented that if anyone would like to discuss Senate Bill SB 60, give him a call. (F: 53.1)

Councilman Leyes commented that the idea of adopting a special ordinance so no churches can go on a particular street because it is a residential street is not right. It should be done as uniformly as possible, and he requested that this issue be discussed at a Council work session. (F: 53.1) (XR: 91.1)

Councilman Dalton wished his wife Sandy a Happy 42nd Wedding Anniversary. (F: 53.1)

Councilman Rosen requested that the franchise agreement with Garden Grove Disposal be placed on the next Council agenda. They have indicated a willingness to review and possibly negotiate the agreement, which could generate about \$5,000 for this year's fiscal budget. (F: 53.1) (XR: S-55.1)

Councilman Tran commented that he was driving on Brookhurst Street and noticed a lot across from 13th Street that was covered with weeds. The City Manager commented that Code Enforcement and the Fire Department have contacted the property owner.

Councilman Tran commented that he is honored to be selected along with Police Sergeant Dennis Ellsworth, to be part of a delegation traveling to Korea. The second part of the journey will be to participate in the celebration with our Sister City of Anyang. He noted that it will be a learning experience and will help bridge the gap with the people in our community. (F: 53.1) (XR: 102.3)

Mayor Broadwater commented that he lost a 30-year friend when Vivian London passed away. He noted that her son is a judge at Harbor Court, and he learned more about her when he attended the funeral. (F: 53.1)

ADJOURN TO CLOSED SESSION

At 9:55 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 54957.6, the City Council will meet with its negotiator (City Manager) regarding the status of labor negotiations with the Employee Association, Employee League, and non-represented Management and Central Management employees. Also, pursuant to Government Code Section 54956.9(c), the City Council will confer with its legal counsel regarding one matter. Also, pursuant to Government Code section 54956.9(b1), the City Council will confer with its legal counsel regarding one matter. And, 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, Police Middle Management, and Garden Grove Fire Fighters Local 2005.

Present in Closed Session, in addition to Mayor Broadwater and all Councilmembers, were City Manager, George Tindall; Assistant City Manager, Les Jones; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; Deputy Police Chief, Scott Jordan; Finance Director, Anthony Andrade; City Engineer, William Murray; Traffic Engineer, George Allen; and Special Counsel Melanie McCall Houk and Gabriel Flores, representing Stradling, Yocca, Carlson & Rauth.

RECONVENE IN OPEN SESSION

At 11:07 p.m., the meeting was reconvened, and it was announced that the matters previously disclosed were discussed and no others.

ADJOURNMENT

At 11:08 p.m., the meeting was declared adjourned.

PRISCILLA STIERSTORFER
DEPUTY CITY CLERK