

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 28, 2004, at 7:10 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; Personnel Services Director, Steve Larson; Deputy Police Chief, Scott Jordan; 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 Leyes led the Pledge of Allegiance to the Flag of the United States of America.

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward City employees with 25 and 30 years of service and presented each of them with a plaque. Present at the meeting were Ricardo Bermudez, Bruce Chappell, William Dumas, Frank Hauptmann, Steve Sanders, Patricia Hayes, Priscilla Stierstorfer, Steve Haller, Jeff Harlan, and Cal Rietzel. (F: 52.3) (XR: 78.6)

INTRODUCTION

Mayor Broadwater and Councilman Rosen introduced Dr. Laura Schwalm and Robert Harden, representing the Garden Grove Unified

School District, and commended them on winning the 2004 Broad Prize for Urban Education \$500,000 scholarship prize. (F: 52.2) (XR: 90.5)

ORAL COMMUNICATIONS – PUBLIC

Lisa Henkins noted her concerns with the length of time it has taken for the construction on Lampson Avenue. (F: 53.3)

Joan Tustison noted her concern with the traffic from the proposed gym at Garden Grove Park. (F: 53.3) (XR: 73.5.Proj.7658)

Charles Mitchell commented regarding the American Legion and invited veterans to join. (F: 53.3)

Verla Lambert commented that it was commendable to want to honor Woodrow Butterfield, but she does not want any changes to the Community Meeting Center. (F: 53.3) (XR: 48.4)

RECESS

At 7:35 p.m., the Mayor declared a recess.

RECONVENE

At 7:50 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

PROCLAMATION – LUPUS AWARENESS MONTH (F: 83.1)

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that October 2004, be and hereby is designated as Lupus Awareness Month.

AMENDMENT TO AGREEMENT WITH NORTHROP GRUMMAN PUBLIC SAFETY, INC., FOR THE MAINTENANCE OF SOFTWARE SYSTEMS FOR THE POLICE DEPARTMENT (F: 55) (XR: 82.1)

Staff report dated September 28, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that the Amendment to the Agreement by and between the City of Garden Grove and Northrop Grumman Public Safety, Inc., for the maintenance of software

systems for the Police Department, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT WITH MOTOROLA, INC., TO PROVIDE HARDWARE AND TECHNICAL SUPPORT TO THE POLICE DEPARTMENT'S MOBILE COMPUTER TERMINAL SYSTEM (F: 55) (XR: 82.1)

Staff report dated September 28, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Motorola, Inc., to provide hardware and technical support to the Police Department, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

REJECTION OF BIDS FOR PROJECT NO. 7264-B, GARDEN GROVE BOULEVARD RAISED MEDIAN ISLAND IMPROVEMENTS; AND AUTHORIZATION TO READVERTISE FOR BIDS (F: 96.PROJ.7264-B)

Staff report dated September 28, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that the bids received for Project No. 7264-B, Garden Grove Boulevard Raised Median Island Improvements, be and hereby are rejected; and staff is authorized to modify plans and specs and readvertise for bids.

STREET REHABILITATION PULVERIZATION PROJECT IN THE WEST GARDEN GROVE AREA - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 55) (XR: 24.2)

Staff report dated September 28, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that the Street Rehabilitation Pulverization Project in the West Garden Grove area be accepted as complete as of this date; the Finance Director is authorized to release the retention payment to Excel Paving Company when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

ELASTOMERIC ROOF COATING PROJECT FOR THE GEM THEATER AND PUBLIC SAFETY BUILDINGS - ACCEPTANCE OF CONTRACT AS COMPLETE
(F: 55) (XR: 82.1) (XR: 87.3)

Staff report dated September 28, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that the Elastomeric Roof Coating Project for the Gem Theater and Public Safety Buildings be accepted as complete as of this date; the Finance Director is authorized to release the retention payment to Thompson Roof Company, Inc., when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

ADVANCED PAY STEP APPOINTMENT OF NEW WATER SERVICES MANAGER
(F: 78.1)

Staff report dated September 28, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that the advanced pay step appointment of a new Water Services Manager to "G" step of the salary range for this position, be and hereby is approved.

MINUTES (F: Vault)

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that the minutes of the Regular City Council Meetings held July 13, July 27, and August 10, 2004, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that regular warrants 320307 through 320872 and wire W158 and W159, and payroll warrants 137012 through 137206, Direct Deposits D96449 through D96993, and wires W889 through W892, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

HEARING OF PROTESTS ON THE FALL 2004 WEED ABATEMENT NOTICES
(F: 113.FALL 2004)

Staff report dated September 28, 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 response from the audience, the public hearing was declared closed. It was noted that no protests were received.

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that staff be and hereby is directed to proceed with the Fall 2004 Weed Abatement.

PUBLIC HEARING TO CONSIDER ALLOCATION OF LOCAL LAW ENFORCEMENT BLOCK GRANT FEDERAL MONEY (F: 82.5)

Staff report dated September 28, 2004, was introduced. It was noted that pursuant to Legal Notice published September 17, 2004, public hearing on this matter was ordered by the City Council to be held this date.

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 or comments from the Councilmembers, the public hearing was declared closed.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that approval be given to accept and allocate the Local Law Enforcement Block Grant Federal money, in the amount of \$52,377.00, to help fund the Department's Jail Service contract with Correctional Systems, Inc.

AMENDED LIST OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES PERTAINING TO OFFICIALS AND EMPLOYEES SUBJECT TO THE CITY'S CONFLICT OF INTEREST CODE (F: 30.7)

Staff report dated September 28, 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 response from the audience or comments from the Councilmembers, the public hearing was declared closed.

RESOLUTION NO. 8607-04

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

No. 8607-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING RESOLUTION NO. 7951 -97 PERTAINING TO DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES OF THE CONFLICT OF INTEREST CODE OF THE CITY OF GARDEN GROVE, be and hereby is adopted.

ADOPTION OF NEGATIVE DECLARATION AND AWARD OF CONTRACT FOR PROJECT NO. 7658, CONSTRUCTION OF THE GARDEN GROVE PARK SPORTS COMPLEX ON THE NORTH SIDE OF WESTMINSTER AVENUE BETWEEN ATLANTIS WAY AND DEODARA DRIVE (F: 73.5.PROJ.7658)

Staff report dated September 28, 2004, was introduced.

Councilman Leyes commented about the traffic on Westminster Avenue and noted that the Negative Declaration is a summary of environment impacts and comes to the conclusion that there is no significant environmental impact regarding traffic. He questioned whether the General Plan Environmental Impact Report anticipated the traffic in this area. The City Manager noted that Westminster Avenue is capable of handling an increase in traffic.

Councilman Leyes commented that Page 15 of the Initial Study references section 17c regarding traffic; however, that page seems to be missing.

Councilman Rosen recommended that this item be continued to later in the meeting so that staff can find the missing page.

SECOND READING OF ORDINANCES NO. 2637 AND NO. 2638

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Ordinances No. 2637 and No. 2638 be waived.

ORDINANCE NO. 2637 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-103-04, CHANGING THE ZONING DESIGNATION FROM HCSP-OP (HARBOR CORRIDOR SPECIFIC PLAN OFFICE PROFESSIONAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-103-04, FOR PROPERTY LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF SUNGROVE STREET, AT 12721 AND 12739 GARDEN GROVE BOULEVARD, PARCEL NOS. 231-323-18 AND 19 (F: 20.GPA-3-04) (XR: 116.PUD-103-04) (XR: 106.153)

It was moved by Councilman Tran, seconded by Councilman Rosen, and approved by unanimous vote, that Ordinance No. 2637 be and hereby is declared passed.

ORDINANCE NO. 2638 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 WILLOW PARTNERS (DEVELOPER) AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF SUNGROVE STREET, AT 12721 AND 12739 GARDEN GROVE BOULEVARD, PARCEL NOS. 231-323-18 AND 19
(F: 20.GPA-3-04) (XR: 116.PUD-103-04) (XR: 106.153)

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that Ordinance No. 2638 be and hereby is declared passed.

DISCUSSION CONCERNING CHANGING THE COMMUNITY MEETING CENTER "A" ROOM TO THE WOODROW WILSON BUTTERFIELD ROOM
(F: 53.1) (XR: 48.4)

Mayor Broadwater commented that Woodrow "Woody" Butterfield was a Council Member for two years, and one of the things he was involved in was the construction of the Community Meeting Center. The block walls were built at the recommendation of Mr. Butterfield. The block was expensive but Woody felt that it would be worth it because there would not be any maintenance. And he was right. Woody was an artist, and could see many things that other people could not see. He died one year ago. He requested that the name of the "A" Room be changed to the Woodrow Wilson Butterfield Room.

Councilman Dalton commented that there is no current policy regarding naming a room after an individual. In the 48 years that the city has been incorporated, there have been a lot of people who could have this honor. He noted that a committee should be formed to develop criteria on how to decide what could be named and who it could be named after.

Councilman Leyes agreed that there are a lot of people who merit this type of honor. He commented that there are several streets named for police officers who have been killed in the line of duty. He indicated that Woody Butterfield did have a key role in the establishment of this center, which filled a vital need for the community. He commented on the bust of Ronald Reagan, sitting on the counter, that it was made by Woody and given to him by Woody.

He noted that he did not always agree with Woody, but you could not deny his love of Garden Grove. He would support the tribute but was in agreement that there should be criteria established.

Councilman Rosen commented that Woody Butterfield was active in public life for 40 years. He indicated that it is fitting to name a room in this public facility after him.

Councilman Tran was also in support of the proposal. He was in agreement that there needs to be a policy established. He noted that he had the pleasure of serving with Mrs. Butterfield on the Planning Commission.

Mayor Broadwater moved, seconded by Councilman Leyes, that the "A" Room of the Community Meeting Center be changed to the Woodrow Wilson Butterfield Room, and that a subcommittee be formed to develop future guidelines. The motion passed with the following vote:

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

DISCUSSION TO CONSIDER TAKING A RECOMMENDED POSITION ON PROPOSITIONS LISTED ON THE NOVEMBER 2, 2004 GENERAL ELECTION
(F: 53.1)

Councilman Leyes presented a summary of the following Propositions and moved that the Council take the recommended position: Proposition 59 – Public Records, Open Meetings. (support); Proposition 66 – Limitations on "Three Strikes" Law. Sex Crimes. Punishment. (oppose); Proposition 68 – Non-Tribal Commercial Gambling Expansion Tribal Gaming Compact Amendments. Revenues, Tax Exemptions. (oppose); Proposition 69 – DNA Samples. Collection. Database. Funding. (support); Proposition 70 – Tribal Gaming Compacts. Exclusive Gaming Rights. Contributions to State. (oppose).

The motion died for lack of a second, and no action was taken.

ADOPTION OF NEGATIVE DECLARATION AND AWARD OF CONTRACT FOR PROJECT NO. 7658, CONSTRUCTION OF THE GARDEN GROVE PARK SPORTS COMPLEX ON THE NORTH SIDE OF WESTMINSTER AVENUE BETWEEN ATLANTIS WAY AND DEODARA DRIVE (CONTINUED) (F: 73.5.PROJ.7658)

The City Attorney commented that he spoke with the Planner who prepared the Initial Study and was quite sure that 17c was omitted accidentally. Based on that information, he advised the Council that they could take an action to approve the Negative Declaration and authorize the contract and hold up on the signature until it is verified that the paperwork is correct.

Councilman Rosen questioned whether there will be an additional stop light on Westminster Avenue. The Community Services Director commented that there will be one on Deodara Drive.

Councilman Leyes commented that he was concerned with moving forward. He questioned what money was being reallocated to the project. The Community Services Director noted that the money is from Community Development Block Grant money and from fees collected last year.

Councilman Leyes commented about the money from the water fund. The Deputy City Manager noted that it is money that is owed to the General Fund from the Water Fund.

Councilman Leyes commented that if the money is in the General Fund, it could be spent on police or fire. He could not support spending all the money on only one project.

Councilman Dalton commented that he was told that it has been over 20 years since the City has made any public improvements for the kids. The Community Services Director noted that was correct.

In response to Councilman Tran, the Community Services Director commented that the project will include 1,000 square feet for a small meeting room. The project will also include removing one building to construct the complex.

Councilman Dalton commented that the City is trying to provide a place for after-school activities for kids to play even if the City has to put out some money to do it. The City has an obligation to provide something for the young people.

Mayor Broadwater commented that he is proud of the city's basketball program, but the kids have to go to Santa Ana for a facility to play.

RECESS

At 8:50 p.m., the Mayor declared a recess.

RECONVENE

At 9:03 p.m., the meeting was reconvened with Mayor Broadwater and Councilmembers Dalton, Rosen, and Tran in attendance.

ADOPTION OF NEGATIVE DECLARATION AND AWARD OF CONTRACT FOR PROJECT NO. 7658, CONSTRUCTION OF THE GARDEN GROVE PARK SPORTS COMPLEX ON THE NORTH SIDE OF WESTMINSTER AVENUE BETWEEN ATLANTIS WAY AND DEODARA DRIVE (CONTINUED)(F: 73.5.PROJ.7658)

It was moved by Mayor Broadwater, seconded by Councilman Tran, and carried by unanimous vote of those present, that this item be continued to October 12 to provide a complete copy of the Initial Study.

ADJOURNMENT

At 9:05 p.m., the meeting was declared adjourned in memory of Lynn Hamtil, member of the Garden Grove Unified School District's Board of Education. (F: 46.9)

PRISCILLA STIERSTORFER
DEPUTY CITY CLERK