

## 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, October 14, 2003, at 7:21 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; City Attorney, John Shaw; and Deputy City Clerk, Priscilla Stierstorfer.

#### INVOCATION AND PLEDGE

Assistant City Manager Les Jones gave the Invocation. Mayor Pro Tempore Tran led the Pledge of Allegiance to the Flag of the United States of America.

#### PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Jim and Marilyn Tortolano and presented them with a Certificate of Recognition on the 20<sup>th</sup> Anniversary of the Garden Grove Journal. (F: 52.3)

#### PUBLIC HEARING – DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-325-03 (F: 106.142) (XR: 116.SP-325-03)

Development Agreement in connection with Site Plan No. SP-325-03, initiated by G & W Builders, Inc., for the expansion of an existing 2,570 square foot industrial warehouse by an additional 8,606 square feet on a 21,762 square foot site, zoned MK-1 (Limited Industrial), located at the terminus of West Street, north of Westminster Avenue, at 13781 West Street.

The City Planning Commission, pursuant to Resolution No. 5374 recommended approval of the Development Agreement on August 21, 2003; and pursuant to Legal Notice published September 25, 2003, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated October 14, 2003, was introduced, and staff provided background information concerning this matter.

Councilman Rosen announced that he will abstain due to a conflict of interest.

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

George Heilder, representing G & W Builders, Inc., commented that they spent a lot of time with staff going over the site plan in order to expand the business. The final result will be a building that will be the best-looking building on the street.

Mike Hughes commented that he owns seven pieces of property on West Street, and the buildings are block wall and tilt up. The new addition will not have the same construction as the other buildings on the street. He requested that it be approved; however, with block wall or tilt up but not steel as proposed.

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

In response to Councilman Tran, the Assistant City Manager commented that the building is a metal construction and there are other buildings with metal construction in the area. It is a permitted use of material for this type of building.

Councilman Leyes noted that the request before the Council is the Development Agreement, and the site plan has already been approved by the Planning Commission. This is only an addition to an existing building. He commented that at the Planning Commission there was one vote against the request because of the material. He inquired whether the applicants are aware that there is a Harbor Boulevard Master Plan.

Mr. Heilder commented that he was aware of the Master Plan and noted that is the reason that they want to control the cost of the building. The life span of the building will be less.

ORDINANCE NO. 2613 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN GEORGE P. HEIDLER (PROPERTY OWNER), AND THE CITY OF GARDEN GROVE FOR THE PROPERTY LOCATED AT THE TERMINUS OF WEST STREET, NORTH OF WESTMINSTER AVENUE, AT 13781 WEST STREET, PARCEL NO. 100-591-13

Councilman Leyes moved, seconded by Councilman Dalton, that full reading of Ordinance No. 2613 be waived, and said Ordinance be and hereby is passed to second reading upon the following vote.

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

#### ORAL COMMUNICATIONS – PUBLIC

Charles Mitchell spoke about child safety and the need to slow down and not speed in front of schools. Parents with children should be given a warning by the Police Department when they cross the street in the middle of the block without using the crosswalk. (F: 53.3)

Tony Flores commented regarding his lawsuit against the Mayor.  
(F: 53.3) (XR: 44.1)

Steve Raganold commented regarding item 4.e. (Amendment No. A-101-03) and the need to pass this ordinance. However, he urged the Council to preserve the residential neighborhoods. (F: 53.3) (XR: 115.A-101-03) (XR: 122.10)

Martin Lemire requested clarification on item 4.e. The Mayor commented that it only refers to separate structures on the property and not to additions to the house. (F: 53.3) (XR: 115.A-101-03) (XR: 122.10)

#### RECESS

At 7:55 p.m., the Mayor declared a recess.

#### RECONVENE

At 8:17 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

#### AGREEMENT WITH KATZ, OKITSU AND ASSOCIATES TO PREPARE AND IMPLEMENT TRAFFIC SIGNAL TIMING PLANS (F: 55) (XR: 100.1)

Staff report dated October 14, 2003, 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 Katz, Okitsu and Associates to prepare and implement traffic signal timing plans for 12 intersections on Euclid Street between Westminster Avenue and Orangewood Avenue, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

SUBRECIPIENT AGREEMENT WITH FAIR HOUSING COUNCIL OF ORANGE COUNTY TO PROVIDE FAIR HOUSING SERVICES FOR FY 2003-04  
(F: 55) (XR: 23.21)

Staff report dated October 14, 2003, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the Subrecipient Agreement by and between the City of Garden Grove and the Fair Housing Council of Orange County to provide fair housing services for FY 2003-04; be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

SUBRECIPIENT AGREEMENT WITH SENIOR MEALS AND SERVICES, INC., TO PROVIDE DAILY HOME-DELIVERED MEALS AND CONGREGATE MEAL SERVICES TO GARDEN GROVE SENIOR CITIZENS (F: 55) (XR: 87.7)

Staff report dated October 14, 2003, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the Subrecipient Agreement by and between the City of Garden Grove and Senior Meals and Services, Inc. to provide daily home-delivered meals and congregate meal services to Garden Grove senior citizens, be and hereby are approved; and the City Manager and City Clerk are authorized to execute the agreement.

ELASTOMERIC ROOF COATING PROJECT - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 55) (XR: 48.4) (XR: 24.1)

Staff report dated October 14, 2003, was introduced.

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

PROJECT NO. 7135, SOUTHBOUND HARBOR BOULEVARD RIGHT TURN LANE AT CHAPMAN AVENUE, ACCEPTANCE OF CONTRACT AS COMPLETE  
(F: 96.proj.7135)

Staff report dated October 14, 2003, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that Project No. 7135, Southbound Harbor Boulevard Right Turn Lane at Chapman Avenue, be accepted as complete as of this date; the Finance Director is authorized to release the retention

payment to Alliance Streetworks, Inc. when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

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 Meetings of July 8, July 22, and July 29, 2003, and Special Meeting held July 14, 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 296801 through 298474, and payroll warrants 131018 through 131284, Direct Deposits D82348 through D82878, and wires W775 through W778 which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING TO CONSIDER ALLOCATION OF FY 2003-04 STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS FOR LAW ENFORCEMENT PROGRAMS (F: 82.5) (XR: 97.3.00)

Staff report dated October 14, 2003, was introduced. It was noted that pursuant to Legal Notice published September 25, 2003, 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 Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that approval be given to allocate FY 2003-04 State Supplemental Law Enforcement Services Funds in the amount of \$253,089.00 for Law Enforcement Programs.

PUBLIC HEARING TO CONSIDER ALLOCATION OF LOCAL LAW ENFORCEMENT BLOCK GRANT FEDERAL MONEY (F: 82.5) (XR: 55)

Staff report dated October 14, 2003, was introduced. It was noted that pursuant to Legal Notice published September 25, 2003, 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 Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that approval be given to allocate the Local Law Enforcement Block Grant Federal money, in the amount of \$111,750.00 to help fund the Department's Jail Service contract with Correctional Systems, Inc.

PUBLIC HEARING – DEVELOPMENT AGREEMENT FOR SITE PLAN NO. SP-326-03  
(F: 106.143) (XR: 116.SP-326-03)

Development Agreement for Site Plan No. SP-326-03. The Applicant, Choco Realty Corp., is requesting to construct a new two-story 13,760 square foot medical office building and provide related improvements on an approximately one-acre site, zoned Office Professional, located on the south side of Chapman Avenue, east of Nutwood Street, at 10602 Chapman Avenue.

On August 21, 2003, the City Planning Commission, pursuant to Resolution No. 5377 adopted a Negative Declaration, approved SP-326-03, and recommended approval of the Development Agreement for SP 326-03; and pursuant to Legal Notice published September 25, 2003, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated October 14, 2003, was introduced, and staff reviewed the background information concerning this project.

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

Ms. Phylis Nelson, representative for the applicant, commented that she was available to respond to any questions.

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

ORDINANCE NO. 2614 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN CHOCO REALTY CORPORATION (PROPERTY OWNER) AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTH SIDE OF CHAPMAN AVENUE, EAST OF NUTWOOD STREET, AT 10602 CHAPMAN AVENUE, PARCEL NO. 89-141-59

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2614 be waived, and said Ordinance be and hereby is passed to second reading.

PUBLIC HEARING – AMENDMENT NO. A-101-03 (F: 100.A-101-03) (XR: 122.10)

Amendment No. A-100-03. The City of Garden Grove is proposing to amend the Municipal Code (Title 9), Section 9.08.050, subpart 44 (Second Units); Section 9.08.030, Table 1 (Land Use Matrix); and Section 9.16.060, Subsection D (Detached Accessory Structures). The amendment will bring the Municipal Code into compliance with the State Assembly Bill No. 1866, by eliminating the requirement for discretionary review for second unit proposals and authorizing ministerial approval. Second units will be subject to all City development standards and conditions contained in the ordinance. The City of Garden Grove has determined that this project is exempt pursuant to CEQA.

On August 21, 2003, the City Planning Commission, pursuant to Resolution No. 5360, adopted a negative declaration and recommended approval of A-101-03 and pursuant to Legal Notice published September 25, 2003, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated October 14, 2003, was introduced, and staff reviewed the background information concerning this project.

Councilman Leyes commented that this Assembly Bill takes away the authority that the city has regarding second units. He commented that in order to build a second unit, there is a 9,000 square foot minimum lot requirement. He inquired how many parcels in the city would meet this requirement. Staff noted that there are 1,100 lots or 4.9% of the city.

Councilman Leyes commented regarding adding mitigation impact fees. The Assistant City Manager commented that on units of four or less, the City does not collect any Development Agreement fees. Adding one more unit would trigger a development fee.

Councilman Leyes noted that staff could look at all the development fees; however, the impact of this ordinance would be minimal since the intent is for the addition to be a granny house. He indicated that the City should look at development paying for the entire up-front costs. There is no reason that taxpayers should subsidize developers; however, that issue can be discussed at a later date. He commented that the State law has changed; and until it is changed again, the City will have to live with it.

Councilman Tran inquired as to how many applications have been received in the last six years. Staff noted that there have been six applications and only one was approved on appeal to the City Council.

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

Kay Star questioned what kinds of fees were being discussed. She noted that they would like to build something that would be 670 square feet for her

mother. She indicated that Councilman Leyes is discussing how many fees can be collected and all they are trying to do is take care of an elderly parent. She noted that she lives on a large lot, and most of the neighbors have granny houses.

Councilman Leyes commented that most of the fees already exist. He noted that what Ms. Star is describing on building is exactly what this law is intended to support. He was not in favor of the lack of local control.

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

Councilman Tran commented that this is a classical issue between State and local control in terms of what the City can do as far as the contents of the ordinance is concerned. Also, there is enough of a burden with the fees that we have to consider adding any more fees. He noted that there are so many illegal structures because we have so many fees that people do not want to deal with them.

Councilman Rosen commented that as he understands it, the law took effect on July 1 and cities have 120 days to bring their ordinances into compliance. If we do not conform within 120 days with the State law, our own ordinance will be invalid. He indicated that we may have had so few applications so far because of our process, and people were told that their request would probably be denied. We need to preserve the ordinance that the city now has. He commented that for large lot neighborhoods, this law would turn those neighborhoods from R-1 to R-2. He requested a report from staff on how many people do apply for granny flats when this ordinance comes into effect.

Mayor Broadwater commented that the State is taking our neighborhoods away from local control. He noted that there is nothing to stop people from renting their units when grandma or grandpa passes away. The State law should be addressing the issue of turning the units into rental units.

Councilman Dalton commented that one of the problems is there are a lot of illegal units that have been constructed over the years. It is difficult to go back and change them because people have abused the system.

In response to Councilman Leyes, the Assistant City Manager/Public Works Director commented that there might be some restrictions if people have to add to a septic system.

Councilman Leyes commented that people could be encouraged to hook up to the city's sewer system, and he was in favor of having stronger language in the ordinance. The City Attorney commented that could be addressed at a later date with a code amendment.

ORDINANCE NO. 2615 was introduced for first reading and the title read in full, entitled  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN



GROVE AMENDING TABLE 1 OF SECTION 9.08.030, SUBSECTION 44 OF SECTION 9.08.050 AND SUBSECTION D OF SECTION 9.16.060 OF THE GARDEN GROVE MUNICIPAL CODE, RELATING TO SECOND UNITS

It was moved by Mayor Broadwater, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinance No. 2615 be waived, and said Ordinance be and hereby is passed to second reading.

RECESS

At 9:00 p.m., the Mayor declared a recess.

RECONVENE

At 9:01 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

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 Ordinance No. 2611 be and hereby is continued to October 28.

Councilman Rosen requested that this item also be listed under Closed Session.

CONSIDERATION OF ORDINANCE RELATING TO USE OF EMINENT DOMAIN POWERS, AS REQUESTED BY MAYOR PRO TEMPORE TRAN  
(F: 127.1) (XR: A-127.1)

Mayor Pro Tempore commented that he is withdrawing this request for consideration at this time.

MATTERS FROM THE MAYOR, CITY COUNCILMEMBERS

Councilman Leyes commented that there will be a public hearing regarding the adoption of the Environmental Impact Report for the Orange County Centerline project. He commented that he opposed this project mostly because of economics. He requested that this be placed on the October 28 Council agenda for discussion and possible Council position. (F: 23.18F)

Councilman Leyes commented on the death of Wally George and noted that he was a Garden Grove resident. (F: 53.1) (XR: 46.9)

Councilman Dalton commented on the deaths of Sam Sparks and James Taylor, noting that they had both worked for the Garden Grove Fire Department. (F: 53.1) (XR: 61.1) (XR: 46.9)

Councilman Rosen commented that the CenterLine project has taken away money and staff time from the expansion of the 22 Freeway project. If the Council is going to take a position on the project, he requested that Councilman Leyes provide the material in the next agenda packet. (F: 23.18F)

Councilman Tran extended sympathy to Lee Butterfield on the death of her husband Woody. Councilman Tran served with Mrs. Butterfield on the Planning Commission for two years. (F: 53.1) (XR: 46.9)

Councilman Tran provided a report on his trip to Korea and participation in the Anyang celebration. (F: 53.1) (XR: 102.3)

Mayor Broadwater commented regarding a very nice article in the L.A. Times featuring Judge Brett London. (F: 53.1)

#### ADJOURN TO CLOSED SESSION

At 9:15 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. 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. Also, pursuant to Government Code Section 54956.9, the City Council will confer with its legal counsel regarding the status of Flores V. Broadwater. Also, pursuant to Government Code section 54956.9(c), the City Council will confer with its legal counsel regarding one matter

Present in Closed Session, in addition to Mayor Broadwater and all Councilmembers, were Assistant City Manager, Matthew Fertal; Assistant City Manager, Les Jones; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; Deputy Police Chief, Scott Jordan; City Engineer, William Murray; City Attorney, John Shaw; Special Counsels Terry Andrus, Lois Bobak, Melanie McCall Houk, and Gabriel Flores.

#### RECONVENE IN OPEN SESSION

At 11:59 p.m., the meeting was reconvened and it was announced that the status of labor negotiations with the Employee Association, Employee League, and non-represented Management and Central Management employees was

not discussed. All other matters previously disclosed were discussed and no others.

The City Attorney reported that there was no final action taken in the matter of Flores v. Broadwater. (F: 44.1)

ADJOURNMENT

At 12:00 a.m. on Wednesday, October 15, 2003, the meeting was declared adjourned in memory of Wally George, Sam Sparks, and James Taylor.  
(F: 46.9)

PRISCILLA STIERSTORFER  
DEPUTY CITY CLERK