

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 28, 2003, at 6:53 p.m.

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

ABSENT: (0) NONE

ALSO PRESENT: Assistant City Manager/Community Development Director, Matthew Fertal; Assistant City Manager/Public Works Director, Les Jones; Community Services Director, Cal Rietzel; Personnel Services Director, Steve Larson; Police Chief, Joseph Polisar; City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

Assistant City Manager Matthew Fertal 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 members of the 2003 USA Athletics Girls Softball Team and their Coaches, and presented them with Certificates of Recognition for winning the 2003 ASA 12-and-Under Girls Fast Pitch National Championship. (F: 52.3)

ORAL COMMUNICATIONS – PUBLIC

Chuck Fry addressed the Council and presented a check for the final payment of a loan made by the Agency eight years ago for the development of the Arbor Glen Apartments project, which provides affordable housing for low income families. (F: 53.3) (XR: A-55.159)

Wayne King addressed the Council, urging the adoption of a Resolution in opposition to the Orange County CenterLine Light Rail Project. (F: 53.3) (XR: 23.18F)

Hsu Han Chao addressed the Council expressing concern about the outside lights not being on at night outside the Regional Library. (F: 53.3)

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

A written communication dated October 9, 2003, from Michael A. Lee, on behalf of the Small Business Administration (SBA), was introduced, requesting use of various rooms at the Garden Grove Community Meeting Center for their second Annual SBA Small Loan Fair.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the request from the U. S. Small Business Administration to use various rooms at the Garden Grove Community Meeting Center on February 12, 2004, for its second annual SBA Small Loan Fair, be and hereby is approved.

REQUEST FROM GARDEN GROVE CUB SCOUT PACK 507 FOR CITY CO-SPONSORSHIP OF 2004 PUSH CART DERBY (F: 88.1)

A written communication dated October 7, 2003, from Bernice Flatebo, Cubmaster of Cub Scout Pack 507, requesting City co-sponsorship of their 2004 Pushcart Derby, was introduced.

Kris Beard addressed the Council, asking for support for this event.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the request from Garden Grove Cub Scout Pack 507 for City Co-sponsorship of the 2004 Pushcart Derby on April 25, 2004, be and hereby is approved.

PROCLAMATION – NATIONAL BIBLE WEEK (F: 83.1)

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that November 23-30, 2003, be and hereby is proclaimed National Bible Week.

RESOLUTION COMMENDING GARDEN GROVE POLICE CHIEF JOSEPH POLISAR FOR BECOMING PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (F: 52.2) (XR: 82.1)

Mayor Broadwater noted that he attended the recent annual convention of Chiefs of Police in Philadelphia, Pennsylvania, where Chief Polisar was sworn in, and he congratulated the Chief on his achievement.

It was moved by Mayor Broadwater, seconded by Councilman Rosen, and carried by unanimous vote, that the Resolution commending Garden Grove

Police Chief Joseph Polisar for becoming President of the International Association of Chiefs of Police, be and hereby is approved.

RENEWAL OF AGREEMENT WITH THE BOYS AND GIRLS CLUB OF GARDEN GROVE FOR THE YOUTH DIVERSION PROGRAM (F: 55) (XR: 82.1)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that this matter be continued to November 11, 2003.

AGREEMENT WITH MAIN PLACE CHRISTIAN FELLOWSHIP, INC., FOR THE PROVISION OF AN AFTER-SCHOOL TUTORING AND ENRICHMENT PROGRAM AT THE FAMILY RESOURCE CENTER FOR THE RESIDENTS OF BUENA CLINTON (F: 55) (XR: 73.20a)

Staff report dated October 28, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Main Place Christian Fellowship, Inc., for the provision of an After-School Tutoring and Enrichment Program at the Family Resource Center for the residents of Buena Clinton, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT WITH AIR-EX AIR CONDITIONING, INC. FOR CITYWIDE HEATING VENTILATION AND AIR CONDITIONING (HVAC) SYSTEMS SERVICES (F: 55) (XR: 24.1)

Staff report dated October 28, 2003, was introduced.

It was moved by Councilman Leyes seconded by Councilman Tran, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Air-Ex Air Conditioning, Inc., for citywide Heating Ventilation and Air Conditioning (HVAC) systems services on an as-needed basis, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AWARD OF PURCHASE – WALK-BEHIND ROLLER FOR STREET MAINTENANCE - PUBLIC WORKS DEPARTMENT (F: 60.4) (XR: 24.2)

Staff report dated October 28, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that a purchase order for one walk-behind roller for street maintenance, be and hereby is awarded to the lowest acceptable bidder, We Do Equipment, in the amount of \$8,630.78.

AWARD OF PURCHASE – ONE TRUCK - PUBLIC WORKS DEPARTMENT (F: 60.4)
(XR: 24.2)

Staff report dated October 28, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that a purchase order for one truck, be and hereby is awarded to the lowest acceptable bidder, Los Angeles Freightliner, in the amount of \$140,818.48.

WARRANTS (F: 60.5)

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that regular warrants 298475 through 298862, and payroll warrants 131285 through 131499, Direct Deposits D82879 through D83415, and Wires W779 through W782, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

RECESS

At 7:30 p.m., the Mayor declared a recess.

RECONVENE

At 8:10 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

PUBLIC HEARING – PURCHASE AND SALE AGREEMENT WITH GT DEVELOPMENT, INC., FOR PROPERTY LOCATED AT 10271 MALINDA LANE
(F: 55) (XR: 84.1)

Staff report dated October 28, 2003, was introduced, and it was noted that pursuant to Legal Notice published October 9 and October 16, 2003, public hearing on the case 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 comments from the audience, the public hearing was declared closed.

It was moved by Councilman Rosen seconded by Councilman Dalton, and carried by unanimous vote, that the Purchase and Sale Agreement by and between the City of Garden Grove and GT Development Company for the sale of City-owned property located at 10271 Malinda Lane as a single-family housing development and appurtenant improvements, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the pertinent documents.

PUBLIC HEARING – DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE
PLAN NO. SP-328-03 (F: 106.144) (XR: 116.SP-328-03)

Development Agreement for Site Plan No. SP-328-03, initiated by Daniel and Kim Seid, to construct a 10,340 square foot multi-tenant retail commercial center on the northeast corner of 15th Street and Brookhurst Street, south of Westminster Avenue, at 10001 15th Street. The site is located in the C-1 (Neighborhood Commercial) zone.

On September 4, 2003, the City Planning Commission, pursuant to Resolution No. 5381, recommended approval of the Development Agreement for SP-328-03; and pursuant to Legal Notice published October 17, 2003, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated October 28, 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.

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

ORDINANCE NO. 2616 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 DANIEL AND KIM SEID AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF 15TH STREET AND BROOKHURST STREET, AT 10001 15TH STREET, PARCEL NO. 099-161-23

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinance No. 2616 be waived, and said Ordinance be and hereby is passed to second reading.

PUBLIC HEARING – GENERAL PLAN AMENDMENT NO. GPA-1-03, AMENDMENT
NO. A-102-03 AND DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE
PLAN NO. SP-330-03 (F: 20.GPA-1-03) (XR: 115.A-102-03) (XR: 106.145)
(XR: 116.SP-330-03)

General Plan Amendment No. GPA-1-03, Amendment No. A-102-03 and
Development Agreement for Site Plan No. SP-330-03, initiated by Shil Park, requesting approval of a General Plan Amendment to change the land use designation of a portion of a lot from Low Medium Density Residential to Light Commercial, a Zone Change from R-2 (Limited Multiple Family) to C-1 (Neighborhood Commercial), and a Development Agreement to construct a new 5,073 square foot commercial building. The site is approximately 18,808 square feet and is located at the northeast corner of Garden Grove Boulevard and Magnolia Avenue, at 9001 Garden Grove Boulevard.

On September 18, 2003, the City Planning Commission, pursuant to Resolution No. 5379, adopted a negative declaration and recommended approval of GPA-1-03, A-102-03 and the Development Agreement for SP-330-03; and pursuant to Legal Notice published October 17, 2003, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated October 28, 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.

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

RESOLUTION NO. 8529-03

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8529-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A GENERAL PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION FROM LOW MEDIUM DENSITY RESIDENTIAL TO LIGHT COMMERCIAL FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND MAGNOLIA AVENUE AT 9001 GARDEN GROVE BOULEVARD, PARCEL NOS. 133-432-21, 23, AND 39, be and hereby is adopted.

ORDINANCE NO. 2617 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A ZONE CHANGE AMENDMENT CHANGING THE ZONING DESIGNATION FROM R-2 (LIMITED MULTIPLE RESIDENTIAL) ZONE TO C-1 (NEIGHBORHOOD COMMERCIAL) ZONE, FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND MAGNOLIA AVENUE AT 9001 GARDEN GROVE BOULEVARD, PARCEL NOS. 133-432-21, 23, AND 39

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2617 be waived, and said Ordinance be and hereby is passed to second reading.

ORDINANCE NO. 2618 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 SHIL PARK AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND MAGNOLIA AVENUE AT 9001 GARDEN GROVE BOULEVARD, PARCEL NOS. 133-432-21, 23, AND 39

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2618 be waived, and said Ordinance be and hereby is passed to second reading.

RECESS

At 8:18 p.m., the Mayor declared a recess.

RECONVENE

At 8:33 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

AWARD OF CONTRACTS FOR CONCRETE REPAIR SERVICES TO IMPROVE SIDEWALK SAFETY AND TO ASSURE PROPER DRAINAGE OF STREETS (F: 55) (XR: 93.1) (XR: 24.1)

Staff report dated October 28, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that Nobest, Inc. and Damon Construction Co., be and hereby are determined to be the lowest acceptable bidders in connection with concrete repair services to improve sidewalk safety and to assure proper drainage of streets, and that contracts for said project be and hereby are awarded to said companies in the sum of \$268,700.00 and \$461,300.00, respectively, in accordance with the terms of the City's plans and specifications and the bids submitted by said companies; 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 CITY INDEPENDENT AUDITOR SERVICES FOR FY 2003-04 THROUGH FY 2007-08 (F: 55) (XR: 60.1)

Staff report dated October 28, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that Moreland & Associates, Inc., is determined to be the lowest acceptable bidder to provide City independent auditor services for FY 2003-04 through FY 2007-08; that contract for said project be and hereby is awarded to said company in the sum of \$270,500.00, based on the proposal evaluation results and the bid submitted by said company; that all other bids be and hereby are rejected; and the Finance Director and City Clerk are authorized to execute said contract.

SECOND READING OF ORDINANCES NO. 2611, NO. 2613, NO. 2614, AND NO. 2615

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinances No. 2611, No. 2613, No. 2614, and No. 2615, be waived.

ORDINANCE NO. 2611 for second reading and adoption, by title only, entitled 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 (Continued from meeting of October 14, 2003) (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 November 11, 2003.

ORDINANCE NO. 2613 for second reading and adoption, by title only, 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 PROPERTY LOCATED AT THE TERMINUS OF WEST STREET, NORTH OF WESTMINSTER AVENUE, AT 13781 WEST STREET, PARCEL NO. 100-591-13 (F: 106.142) (XR: 116.SP-325-03)

Councilman Rosen noted that he will be abstaining from voting on this matter inasmuch as he has done legal work for Mr. Heidler.

Councilman Leyes moved, seconded by Councilman Tran, that Ordinance No. 2613 be and hereby is passed. Upon the following vote:

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

said Ordinance No. 2613 was declared passed.

ORDINANCE NO. 2614 for second reading and adoption, by title only, 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 (F: 106.143) (XR: 116.SP-326-03)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that Ordinance No. 2614 be and hereby is passed.

ORDINANCE NO. 2615 for second reading and adoption, by title only, 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 (F: 115.A-101.03) (XR: 122.10)

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that Ordinance No. 2615 be and hereby is passed.

CONSIDERATION OF RESOLUTION OPPOSING THE ORANGE COUNTY CENTERLINE LIGHT RAIL PROJECT, AS REQUESTED BY COUNCILMAN LEYES (F: 53.1) (XR: 23.18F)

Mayor Broadwater noted that he has been contacted by three members of the OCTA Board who requested that this matter be postponed for two weeks for further talks.

Councilman Tran noted that he too was contacted and would like some time to talk to the proponents.

Councilman Leyes noted that he has brought this matter up many times in the past year and a half. He noted that there are many things wrong with CenterLine and they have lost the support of other City Councils. It is time to take a position in opposition to the CenterLine project, and the Council should stand up to OCTA and its Board and adopt his proposed resolution.

Councilman Dalton commented that hopefully the lawsuit that has been filed is sending them a message. He noted he could support a two-week continuance.

Councilman Rosen requested copies of past Grand Jury Reports on this subject be provided to Councilmembers before the matter comes back.

Mayor Broadwater moved, seconded by Councilman Tran, that this matter be continued to November 11, 2003. Said motion carried by the following vote:

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

CONSIDERATION OF RESOLUTION SUPPORTING THE REPEAL OF SB-60, WHICH ELIMINATES THE REQUIREMENT FOR PROOF OF LEGAL RESIDENCY WHEN OBTAINING A DRIVER'S LICENSE, AS REQUESTED BY COUNCILMAN LEYES
(F: 53.1)

Councilman Leyes commented that the recent passage of SB-60 by the California Legislature is an insult to the loss experienced on September 11, 2001, and he supports the repeal of this bill.

Mayor Broadwater moved, seconded by Councilman Tran, that this matter be continued to November 11, 2003, to provide Councilmembers an opportunity to read the resolution just passed out by Councilman Leyes. Said motion carried by the following vote:

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

MATTERS FROM THE MAYOR, CITY COUNCILMEMBERS

Councilman Leyes referenced an article in the Register newspaper about Service Awards presented to nonprofit groups by the Disneyland Resort, noting that Boys Hope Girls Hope of Southern California, located in Garden Grove, received \$12,000. (F: 53.1)

Mayor Broadwater commented that the City has three fire engines and 11 firemen fighting the deadly fires in the local mountains. (F: 53.3) (XR: 61.1)

ADJOURN TO CLOSED SESSION

At 9:10 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, Garden Grove Police Association, Police Middle Management, and Garden Grove Fire Fighters Local 2005. Also, pursuant to Government Code section 54956.9(b)(2), the City Council will meet with its Legal Counsel concerning one matter. Additionally, pursuant to Government Code section 54956.9, the City Council will confer with its Legal Counsel regarding the status of Pham, et al. v. City of Garden Grove.

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, Joseph Polisar; and City Attorney, John Shaw.

RECONVENE IN OPEN SESSION

At 10:59 p.m., the meeting was reconvened in Open Session, and it was announced that the matters previously disclosed were discussed and no others.

ADJOURNMENT

At 11:00 p.m., the meeting was declared adjourned in memory of Jackie Shohet, Garden Grove resident who served on the board of TASK, Team of Advocates for Special Kids; and in memory of Dorothy Lake, wife of the first Mayor of Garden Grove. (F: 46.9)

RUTH E. SMITH
CITY CLERK