

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, November 9, 2004 at 6:55 p.m.

ROLL CALL: PRESENT: (4) MAYOR BROADWATER, COUNCILMEMBERS DALTON, LEYES, ROSEN

ABSENT: (1) COUNCILMEMBER TRAN

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 Chief, Keith Osborn; Deputy Police Chief, Scott Jordan; Public Works Director, Keith Jones; City Attorney, John Shaw; and City Clerk, Ruth Smith.

INTRODUCTION

Mayor Broadwater recognized members of the Pacifica High School Civics Class in attendance. (F: 52.3)

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 head coach Leonard Bedoya and members of the California Gold Soccer Club, U.S. National Champions of the 2004 Veterans Cup held in Hawaii, and presented them with Certificates of Recognition. (F: 52.3)

ORAL COMMUNICATIONS – PUBLIC

Martin Lemire addressed the Council concerning excessive debris and rodents in tree wells located at the west end of Anzio Street, property located at the City Villas Apartments. This problem has been ongoing since last June, and the manager and property owners have refused to respond to contacts made.

Mayor Broadwater asked staff for a report on the situation to see if this can be cleaned up.

Pretty Gedeon addressed the Council concerning the same trees on Anzio Street, additionally expressing concern that the cable wire might break or the trees might fall over during high winds and cause injuries. (F: 53.3) (XR: 80.2)

J. Tilman Williams addressed the Council concerning banners that are hanging across city streets advertising a church event, commenting that the Crystal Cathedral was told they could not have signs hanging to advertise their event, citing separation of church and state. He also inquired what the cost was to the city to hang the banners. (F: 53.3)

Robin Marcario addressed the Council, congratulating the successful candidates, noting that she came in at sixth place. She commented on the \$2.45 million in park grants recently received for the Buena Clinton Family Resource Center. (F: 53.3)

WRITTEN COMMUNICATIONS

Linda Rogers, Member of the 2004-05 Orange County Grand Jury, spoke about the Grand Jury's recruitment efforts. She noted that this is Grand Jury Awareness Month, and she urged residents to apply for this rewarding job, noting that January 14 is the deadline, and applications are available in the City Clerk's Office. (F: 23.1)

RECESS

At 7:34 p.m., the Mayor declared a recess.

RECONVENE

At 7:36 p.m., the meeting reconvened with Mayor Broadwater and Councilmembers Dalton, Leyes, and Rosen in attendance.

AWARD OF CONTRACT FOR THE TRIMMING OF OLEANDER BUSHES AT VARIOUS LOCATIONS FOR FY 2004-05 (F: 55) (XR: 24.1)

Staff report dated November 9, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote of those present, that Gardner Tractor Service, sole bidder, be and hereby is determined to be acceptable in connection with the trimming of oleander bushes at various locations in the city for FY 2004-05; that contract for said project be and hereby is awarded to said company in the amount of \$33,465.00, in accordance with the terms of the City's plans and specifications and the bid submitted by said company; and the Mayor and City Clerk are authorized to execute the agreement.

AWARD OF CONTRACT FOR THE REPAIR OF A WATER VALVE AT THE INTERSECTION OF LAMPSON AVENUE AND WEST STREET (F: 112.Proj.01-1078)

Staff report dated November 9, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote of those present, that Mike Prlich & Sons, Inc., be and hereby is determined to be the lowest acceptable bidder in connection with the repair of a water valve at the intersection of Lampson Avenue and West Street; that contract for said project be and hereby is awarded to said company in the amount of \$28,000.00, in accordance with the terms of the City's plans and specifications and the bid submitted by said company; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT WITH THE COUNTY OF ORANGE FOR ANIMAL CONTROL SERVICES (F: 55)

Staff report dated November 9, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote of those present, that the Agreement by and between the City of Garden Grove and the County of Orange for the provision of Animal Control Services, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

WARRANTS (F: 60.5)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote of those present, that regular warrants 322320 through 324366 and Wires W161 through W163, and payroll warrants 137595 through 137814, Direct Deposits D98086 through D98634, and Wires W901 through W904, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – APPEAL OF CONDITIONAL USE PERMIT NO. CUP-140-04
(F: 51.CUP-140-04)

Appeal of Conditional Use Permit No. CUP-140-04, initiated by Bok Soon Sin to allow an existing restaurant, Hanuri Restaurant, currently operating under an Alcoholic Beverage Control Type "41" to operate with an original State Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine, Public Eating Place) License. The site is located on the east side of Galway Street, north of Garden Grove Boulevard, at 12942 Galway Street, Units B and C.

On August 5, 2004, the City Planning Commission, pursuant to Resolution No. 5442, denied CUP-140-04. On August 25, 2004, the appellant filed an appeal; and pursuant to Legal Notice published on October 28, 2004, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated November 9, 2004, was introduced, and staff provided background information, noting that there is a high concentration of ABC licenses in this area.

In response to an inquiry by Councilman Rosen, staff noted that there have been no complaints registered at this location for which the police have had to respond.

Police Captain Raney provided a detailed report, noting that they have received numerous calls for service in this area and Garden Grove Boulevard has a reputation for a large concentration of drunk drivers. Also, there is a high correlation between on-sale licenses and crime. Garden Grove has 33 high crime districts, 16 of which border on Garden Grove Boulevard between Beach Boulevard and Brookhurst Street. It was noted that businesses along Garden Grove Boulevard employ bar girls, which has created problems, and many stay open past 2:00 a.m. It was also noted that four additional applicants are watching this case before submitting their applications. It was suggested that perhaps the City Council and

staff should study Garden Grove Boulevard and come up with a vision or a plan such as was done relative to Harbor Boulevard.

Councilman Rosen inquired how many sit-down restaurants in Garden Grove have liquor licenses. Captain Raney indicated there currently are 184, 54 of which are in the area of this business.

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

Chang Wu, representing Bok Soon Sin, addressed the City Council, commenting that the City Council should look at only this business, not the entire area, in making its decision. There have been no complaints from residents in the area. This is a family oriented restaurant, and it does not have a bar room. The need to serve alcohol in order to compete with surrounding restaurants; otherwise, they will have to close.

George Hong addressed the City Council, asking how one particular restaurant can be singled out.

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

In response to an inquiry by Councilman Rosen, Captain Raney noted that it is difficult to pinpoint where an individual who was stopped for a DUI came from.

Councilman Leyes noted that ABC licenses can be difficult to obtain and harder to get rid of. He further noted that he is reluctant to approve any new applications, referencing new potential development in the area.

Councilman Dalton noted he supports the Planning Commission decision.

Councilman Rosen commented that Bok Soon Sin's application should be approved, and then place a moratorium for this area. Conditions can be placed in the Conditional Use Permit. He does not believe there will be problems.

Mayor Broadwater commented that the line has to be drawn somewhere, noting that it is not the City's responsibility to keep businesses open. He further commented that the new City Council will have to draw the line, and that a task force is needed to study the bar girl issue.

RESOLUTION NO. 8617-04

Councilman Leyes moved, seconded by Councilman Dalton, that full reading of Resolution No. 8617-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, DENYING THE APPEAL, AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT NO. CUP-140-04, FOR PROPERTY LOCATED ON THE EAST SIDE OF GALWAY STREET, NORTH OF GARDEN GROVE BOULEVARD, AT 12942 GALWAY STREET, PARCEL NO. 133-371-13, be and hereby is adopted. Upon the following vote:

AYES: COUNCILMEMBERS: (3) DALTON, LEYES, BROADWATER
NOES: COUNCILMEMBERS: (1) ROSEN
ABSENT: COUNCILMEMBERS: (1) TRAN

said Resolution No. 8617-04 was declared adopted.

PUBLIC HEARING – GENERAL PLAN AMENDMENT NO. GPA-5-04;
AMENDMENT NO. A-113-04; AMENDMENT NO. A-112-04; AND
DEVELOPMENT AGREEMENT (F: 20.GPA-5-04) (XR: 115.A-113-04)
(XR: 115.A-112.04) (XR: 106.154)

General Plan Amendment No. GPA-5-04; Amendment No. A-113-04;
Amendment No. A-112-04; and Development Agreement, initiated by Ard Keuilian and the City of Garden Grove, proposing to construct a 115,377 square foot, three-story mini-warehouse and storage facility on a 74,407 square foot lot, a portion of which is located in the City of Santa Ana and proposed to be annexed to the City of Garden Grove. The subject site is located on the south side of Westminster Avenue, west of Parsons Place, and on the west side of Parsons Place, south of Westminster Avenue.

On September 16, 2004, the City Planning Commission, pursuant to Resolutions No. 5452, No. 5454, No. 5455, and No. 5456, recommended approval of A-113-04, GPA-5-04, and A-112-04. Pursuant to Legal Notice published on October 28, 2004, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated November 9, 2004, was introduced, noting that State law allows only four amendments to the General Plan land use map in any calendar year. There have already been three. Another General Plan Amendment is proposed to be heard at the next City Council meeting. In order to be consistent with State law pertaining

to the number of General Plan Amendments, this matter will be continued to the City Council meeting of November 23, 2004.

WASTE TIRE PLAYGROUND COVER GRANT APPLICATION (F: 24.13)

Staff report dated November 9, 2004, was introduced.

RESOLUTION NO. 8618-04

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote of those present, that full reading of Resolution No. 8618-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TIRE RECYCLING GRANT PROGRAM, FOR MATERIAL COSTS AND INSTALLATION OF PLAYGROUND COVER SURFACING MANUFACTURED FROM CALIFORNIA WASTE TIRE RUBBER, be and hereby is adopted.

DISCUSSION REGARDING PROPOSED AMENDMENT TO AGREEMENT WITH THE UNION OF VIETNAMESE STUDENTS ASSOCIATION FOR COORDINATION OF THE TET FESTIVAL (F: 42.8a)

Staff noted that the Union of Vietnamese Students Association members would like to meet with the City Council again relative to a proposed amendment.

Councilman Rosen noted that they have an existing contract and have met the conditions and should be moving ahead.

The City Manager noted that the Association is free to move forward with the festival without any action from the City.

Mayor Broadwater asked that this be continued for two weeks.

Councilman Rosen noted that this should come before the new City Council.

An unidentified member of the audience indicated they are here to discuss this now.

It was moved by Mayor Broadwater, seconded by Councilman Dalton, and carried by unanimous vote of those present, that the subcommittee meet to discuss this and then bring back the results to the Council.

SECOND READING OF ORDINANCES NO. 2641 AND NO. 2642

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Ordinances No. 2641 and No. 2642 be waived.

ORDINANCE NO. 2641 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 AMENDMENT A-116-04, AN AMENDMENT TO TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE ADDING SECTION 9.12.120 RELATING TO THE ADOPTION OF THE GILBERT STREET OVERLAY ZONE (F: 115.A-116-04)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote of those present, that Ordinance No. 2641 be and hereby is declared passed.

ORDINANCE NO. 2642 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 AMENDMENT A-115-04, REZONING PARCELS OF LAND LOCATED ON THE EAST SIDE OF GILBERT STREET, BETWEEN LAMPSON AVENUE AND GARDEN GROVE BOULEVARD, PARCEL NUMBERS 133-391-01, 02, 03, 04; 133-381-01, 02, 03, 04 AND 133-381-40 (F: 115.A-115-04)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote of those present, that Ordinance No. 2642 be and hereby is declared passed.

MATTERS FROM THE MAYOR AND CITY COUNCILMEMBERS

Councilman Leyes congratulated Councilman Dalton, Councilman Rosen, and Councilman Tran on their successful election. He praised Mayor Broadwater for his able leadership and for his impressive campaign for Supervisor. He also thanked his supporters, noting that he still has two years left of his term as Councilman. Additionally, he also noted that the West Garden Grove Residents Association will be meeting tomorrow evening to discuss the recent flooding in their area. And lastly, he noted that Thursday is Veterans Day, and he expressed his personal gratitude to veterans and their families. (F: 53.1)

Councilman Dalton encouraged residents to apply for City Commission appointments by contacting the City Clerk's office for an application. (F: 53.1)

Councilman Rosen also encouraged residents to apply for a seat on one of the City Commissions, noting that each Councilman chooses someone to sit on each commission. He thanked the candidates who ran and stuck to the issues at hand. He also encouraged residents to contact him either by phone or by e-mail with their questions or comments. (F: 53.1)

Mayor Broadwater spoke about the election and his campaign. He also reviewed some past history of our country, noting that George Washington held a secret meeting for 90 days. (F: 53.1)

ADJOURNMENT

At 8:40 p.m., the meeting was declared adjourned.

RUTH E. SMITH
CITY CLERK