

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 23, 2004, at 6:51 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; Neighborhood Improvement Manager, Kim Huy (representing Community Development Director); Community Services Director, Cal Rietzel; Finance Director, Kingsley Okereke; Personnel Services Director, Steve Larson; Intelligence Sergeant, Robert Fowler (representing Police Chief); 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 Rosen led the Pledge of Allegiance to the Flag of the United States of America.

PROCLAMATION – EXTREME MAKEOVER HOME EDITION DAY IN GARDEN GROVE (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that November 28, 2004, be and hereby is proclaimed Extreme Makeover Home Edition Day in Garden Grove.

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward the Burns Family and the Volunteers who participated in the Extreme Makeover Home Edition Project and presented them with Certificates of Recognition (F: 52.3)

RECESS

At 7:08 p.m., the Mayor declared a recess.

RECONVENE

At 7:25 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

ORAL COMMUNICATIONS – PUBLIC

Tony Flores read from different letters and from an article in the paper regarding the proposed Vietnamese Cultural Center. He commented that government cannot donate land for a temple as the article stated the City was proposing. He commented on the meeting that was held by the West Garden Grove Homeowners Association regarding recent flooding in the area. (F: 53.3) (XR: A-116.10) (XR: 130.15)

Marge Heard submitted a petition signed by people who oppose the construction of a Vietnamese Cultural Center on Garden Grove Boulevard. She commented on not impeding the work of the Police Department by adding developments that create more traffic. She also noted her opposition to eminent domain. (F: 53.3) (XR: A-116.10)

Robin Marcario commented on the article about Police Chief Joe Polisar and commended him on having been the President of the International Association of Police Chiefs. She also reminded everyone to attend the Community Visioning Project presentation to be held on November 30 at the Community Meeting Center. (F: 53.3)

David Lautherboren noted his opposition to the proposed cul-de-sac at Sorrell Street, noting that it will be more difficult to get children to the two schools in the area. He also commented that he and his neighbors have put up with a lot of noise from busses in the hotel parking lots. He said that they have asked several times that the busses use the northern portion of the parking lot that would not affect the residential neighborhood. (F: 53.3) (XR: 122.11)

Janine Fowler commented that since there will be a vacancy when Councilman Dalton becomes Mayor, residents should call the Councilmans and let them know how they feel. Residents should have a say in the process on how the vacant seat is filled. (F: 53.3)

AWARD OF CONTRACT FOR REPLACEMENT OF THE REAR APPARATUS DOOR AT FIRE STATION #5 (F: 55) (XR: 61.1) (XR: 24.1)

Staff report dated November 23, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that Andersen's Door Service, be and hereby is determined to be the lowest acceptable bidder for the replacement of the rear apparatus door at Fire Station #5, 12751 Western Avenue; that contract for said project be and hereby is awarded to said company in the sum of \$5,985.00, 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.

AGREEMENT WITH STATE OF CALIFORNIA TO ACQUIRE ALL NECESSARY RIGHT-OF-WAY FOR THE WIDENING OF STATE ROUTE 22. (F: 62.2a)

Staff report dated November 23, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the State of California to acquire all necessary right-of-way for the widening of State Route 22, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

CITY HALL FIRST FLOOR CARPET PROJECT - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 55) (XR: 48.2)

Staff report dated November 23, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that the City Hall First Floor Carpet Project be accepted as complete as of this date; the Finance Director is authorized to release the retention payment to New Image Commercial Flooring, 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 Tran, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held August 24, 2004; be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that Regular Warrants 324367 through 324785 and wire W164 through W167, and Payroll Warrants 137815 through 138012, Direct Deposits D98635 through D99182 and Wires W905 through W908, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

JOINT PUBLIC HEARING WITH THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT TO CONSIDER AN AMENDMENT TO THE SUBLEASE AGREEMENT WITH THE CITY OF GARDEN GROVE FOR THE AGENCY'S LEASED BUILDING AT 11277 GARDEN GROVE BOULEVARD
(F: A-55.170) (XR: 78.4a)

Staff report dated November 23, 2004, was introduced, indicating that the West Orange County Youth Café wishes to sublease 4,636 square feet of the first floor from the Agency. Staff noted that the square footage in the staff report is incorrect.

Councilman/Chairman Rosen declared the public hearing opened and asked if anyone wished to address the Council/Agency on the matter.

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

It was moved by Mayor/Member Broadwater, seconded by Councilman/Member Tran, that the Sublease Agreement by and between the Agency for Community Development and the City of Garden Grove, to lease 4,636 square feet at 11277 Garden Grove Boulevard, be and hereby is approved; and the City Manager/ Director and City Clerk/Secretary are authorized to execute the agreement.

PUBLIC HEARING – SUBSTANTIAL AMENDMENT NO. 1 TO THE 2004/05 HOUSING AND COMMUNITY DEVELOPMENT ACTION PLAN (F: 117.10D)

Staff report dated November 23, 2004, was introduced.

Pursuant to Legal Notice published November 11, 2004, 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 closed.

Councilman Leyes commented that the Plan implements the will of the City Council. However, he has a concern with the allocation of the Community Development Block Grant (CDBG) funds since there are no funds allocated for the west side of Garden Grove. He commented that the City Council should be looking at more money for Garden Grove Park.

Councilman Rosen moved, seconded by Councilman Tran, that Amendment No. 1 to the 2004/05 Housing and Community Development Action Plan be and hereby is approved. Said motion carried by the following vote:

AYES: COUNCILMEMBERS: (4) DALTON, ROSEN, TRAN,
BROADWATER

NOES: COUNCILMEMBERS: (1) LEYES

ABSENT: COUNCILMEMBERS: (0) NONE

PUBLIC HEARING – DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-357-04 (F: 106.155) (XR: 116.SP-357-04)

Development Agreement in Connection with Site Plan No. SP-357-04, initiated by Pacific Cities Real Estate Group, to construct 42 two-story, single-family homes on a 4.62-acre site located on the south side of Katella Avenue at 9212 through 9432 Katella Avenue.

On October 7, 2004, the City Planning Commission, pursuant to Resolution No. 5459 recommended approval of the Development Agreement. Pursuant to Legal Notice published November 11, 2004, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated November 23, 2004, 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. 2647 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 PACIFIC CITIES REAL ESTATE GROUP (PROPERTY OWNER) AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTH SIDE OF KATELLA AVENUE, AT 9212 THROUGH 9432 KATELLA AVENUE, PARCEL NOS. 132-071-09, 10, 11, 13, 31, 32, 33, 34, 35, 36 & 37

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinance No. 2647 be waived, and said Ordinance be and hereby is passed to second reading.

PUBLIC HEARING – GENERAL PLAN AMENDMENT NO. GPA-5-04, AMENDMENT NO. A-113-04, AMENDMENT NO. A-112-04, AND A DEVELOPMENT AGREEMENT (CONTINUED FROM MEETING OF NOVEMBER 9, 2004) (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 a 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.

General Plan Amendment No. GPA-5-04, proposing to amend the General Plan land use map changing the land use designation of an approximately 2.25 acre area from light commercial to industrial. Also, a request to provide an industrial land use designation to a land-locked 27,522 square foot parcel of land proposed to be annexed from the City of Santa Ana to the City of Garden Grove.

Amendment No. A-113-04, proposing to delete the requirement for mini-storage facilities to be located adjacent to freeways.

Amendment No. A-112-04, requesting a pre-zone of a portion of the property to be annexed into the City of Garden Grove to the M-1 (Limited Industrial) zone.

Development Agreement in Connection with Site Plan No. SP-350-04, to construct a new 115,377 square foot self-storage facility on a 74,407 square foot lot on the subject site.

On October 7, 2004, the City Planning Commission, pursuant to Resolutions No. 5452, No. 5454, No. 5455, and No. 5456, recommended approval of GPA-5-04, A-113-04, A-112-04, and the Development Agreement. Pursuant to Legal Notice published November 11, 2004, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated November 23, 2004, 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 closed.

RESOLUTION NO. 8619-04

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8619-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING GENERAL PLAN AMENDMENT NO. GPA-5-04, CHANGING THE LAND USE MAP FROM LIGHT COMMERCIAL TO INDUSTRIAL FOR PROPERTIES LOCATED ON THE SOUTH SIDE OF WESTMINSTER AVENUE, WEST OF PARSONS PLACE AT 11272 WESTMINSTER AVENUE, 11284 WESTMINSTER AVENUE, 11322 WESTMINSTER AVENUE, 14051 PARSONS PLACE, AND 14061

PARSONS PLACE, PARCEL NUMBERS 100-190-01, 04, 05, 28, 32, 33, be and hereby is adopted.

ORDINANCE NO. 2643 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 AMENDMENT A-113-04, AN AMENDMENT TO TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE, SECTION 9.08.050.51, SPECIAL OPERATING CONDITIONS AND DEVELOPMENT STANDARDS, DELETING THE REQUIREMENT THAT MINI WAREHOUSE AND STORAGE BUILDINGS BE LOCATED CONTIGUOUS WITH A FREEWAY RIGHT-OF-WAY

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinance No. 2643 be waived, and said Ordinance be and hereby is passed to second reading.

ORDINANCE NO. 2644 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 AMENDMENT NO. A-112-04, PRE-ZONING A PORTION OF A PROPERTY TO BE ANNEXED TO THE CITY OF GARDEN GROVE FROM THE CITY OF SANTA ANA. THE PROPERTY IS LOCATED SOUTH OF WESTMINSTER AVENUE, WEST OF PARSONS PLACE, PARCEL NUMBER 100-190-33

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinance No. 2644 be waived, and said Ordinance be and hereby is passed to second reading.

ORDINANCE NO. 2645 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 ARD KEULIAN AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTH SIDE OF WESTMINSTER AVENUE, WEST OF PARSONS PLACE, AT 11248 WESTMINSTER AVENUE, PARCEL NOS. 100-190-32 AND 100-190-33

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinance No. 2645 be waived, and said Ordinance be and hereby is passed to second reading.

PUBLIC HEARING – GENERAL PLAN AMENDMENT NO. GPA-6-04, AND
AMENDMENT NO. A-114-04 (F: 20.GPA-6-04) (XR: 115.A-114.04)

General Plan Amendment No. GPA-6-04, and Amendment No. A-114-04, initiated by Linh Ngoc Nguyen proposing to construct eight attached three-story town homes on 24,00 square feet of land with a Tentative Tract Map to create the subdivision, and a Variance for the front and street side yard setbacks for the recreation areas and required parking. The applicant is requesting to change the land use designation from Low Density residential to Low Medium Density Residential to rezone the property from the R-1 zone (Single-Family Residential) to the R-3 zone (Multiple Family Residential).

On September 16, 2004, the City Planning Commission, pursuant to Resolutions No. 5448 and No. 5449 recommended approval of GPA-6-04 and A-114-04. Pursuant to Legal Notice published November 11, 2004, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated November 23, 2004, 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.

Wayne Huson commented that he lives on 11th Street and his concern is safety because the Mosque was going to put up a gate across Kerry Street to have that part of Kerry for parking. He noted that people drive through 11th Street and go out through Kerry Street to avoid traffic. There are a lot of children who walk in that area to go to school. He commented that with all the new construction in the area, the sewers have not been fixed for the new capacity. He indicated that what started up as a quiet community is now getting overdeveloped.

Moe Felvir commented that there is no place to park the approximately 24 to 30 cars for the eight units that will be built, indicating that people use their garages for storage. He noted that people who live in the apartments on 11th Street park on Hazard.

Bart Kasperowicz commented that he represents the property owner of the project. He noted that the problems with traffic and the sewer will be corrected with this development. He indicated that this development is not making an unreasonable request to add to the

density. This project is not an eyesore, and it will blend in with the rest of the community.

Councilman Rosen inquired whether there are plans to close Kerry Street. The City Manager commented that there is a request by the Mosque to close Kerry. If they are able to close Kerry, people from this proposed project would not be able to go north on Kerry.

Councilman Rosen commented that right now you can get to the Mosque from 13th Street. Staff noted that was correct, and they will still be able to if the Mosque goes ahead with their proposed plans.

Councilman Rosen inquired whether people who live in the area would have access to the school 24 hours a day. Mr. Kasperowicz commented that they would not. However, there will be a play area in the project for the children.

John Squirrel commented that this is not the best use of a piece of property. There is a lot of traffic, which is dangerous for the children. This project will make the traffic problem worse.

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

Mayor Broadwater commented that there is one house on Kerry that sticks out, and the street needs to be widened. The Traffic Engineer commented that there is no nexus with this development. The Mayor responded that there is.

Councilman Tran inquired whether there has been a traffic study done on Kerry Street. The Traffic Engineer commented that there was a signal study done and staff recommended that there be pick up and drop off lanes.

The City Manager commented that there is a perception with residential developments that they will generate a lot of trips generated; however, retail developments generate more trips than residential developments. He noted that as a mitigating measure, the developer might agree to assist the City in widening the street; however, there cannot be a nexus tied to the development.

The Traffic Engineer commented that the developer does pay a traffic mitigation fee that will help to pay for the improvements.

Councilman Tran commented that at the Planning Commission meeting there was an issue with the lack of adequate parking. The

City Manager commented that the standard is applied. The only spaces are the garages and six guest spaces with no driveway for the units.

Councilman Tran questioned why the density cannot be increased to the R-3 zoning. The City Manager commented that the area is a mix of R-1 and R-3 zoning. He noted that R-3 zoning is not predominant, and this is not consistent zoning for R-1.

Mayor Broadwater noted his concern that this project will become all rental units. Mr. Kasperowicz commented that he has seen the Association agreement, which state that people living there have to be owners.

Councilman Tran commented that the Planning Commission voted for this project. He noted that there are a lot of R-3 projects in this area. The concerns that have been brought up are tied to the project and should be resolved with the development.

Councilman Leyes commented that it is not a bad project, but it is not ideal. This probably would be more appropriate as an R-3 project. He commented that he understood the neighbors concerns, and the real impact of the larger projects built over time. He requested that staff explore the widening of Kerry Street and see if that would be eligible for CDBG funds.

Councilman Dalton commented that his concern is the parking. However, he would not vote to deny the project because of the parking. He noted that the project will improve the area.

Mayor Broadwater commented that he cannot vote in favor of this project. He would prefer six units with more parking.

RESOLUTION NO. 8620-04

Councilman Tran moved, seconded by Councilman Rosen, that full reading of Resolution No. 8620-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING GENERAL PLAN AMENDMENT NO. GPA-6-04 FOR A PARCEL OF LAND LOCATED AT THE NORTHWEST CORNER OF 11TH STREET AND KERRY STREET, AT 9721 11TH STREET, PARCEL NO. 098-631-06. Said motion carried by the following vote:

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

ORDINANCE NO. 2646, 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 ZONE CHANGE AMENDMENT NO. A-114-04, CHANGING THE ZONING DESIGNATION FROM R-1-6 (SINGLE FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL), FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF 11TH STREET AND KERRY STREET, AT 9721 EAST 11TH STREET, PARCEL NO. 098-631-06

Councilman Tran moved, seconded by Councilman Rosen, that full reading of Ordinance No. 2646 be waived, and said Ordinance be and hereby is passed to second reading upon the following vote:

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

RECOMMENDATION FROM THE TRAFFIC COMMISSION MEETING OF NOVEMBER 2, 2004, TO INSTALL AN ALL-WAY STOP AT THE INTERSECTION OF BAILEY STREET AND LAURELTON AVENUE (F: 122.11) (XR: 100.1)

Staff report dated November 23, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the installation of an all-way stop at the intersection of Bailey Street and Laurelton Avenue be and hereby is approved.

RECOMMENDATION FROM THE TRAFFIC COMMISSION MEETING OF NOVEMBER 2, 2004, TO PLACE A CROSSING GUARD AT THE INTERSECTION OF GARDEN GROVE BOULEVARD AND PALM STREET (F: 122.11) (XR: 100.1)

Staff report dated November 23, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that the placement of a crossing guard at the intersection of Garden Grove Boulevard and Palm Street be and hereby is approved.

RECOMMENDATION FROM THE TRAFFIC COMMISSION MEETING OF NOVEMBER 2, 2004, TO ADD THE INTERSECTION OF WESTMINSTER AVENUE AND KERRY STREET TO THE TRAFFIC SIGNAL PRIORITY LIST (F: 122.11) (XR: 100.1)

Staff report dated November 23, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the intersection of Westminster Avenue and Kerry Street be added to the Traffic Signal Priority List.

RECOMMENDATION FROM THE TRAFFIC COMMISSION MEETING OF NOVEMBER 14, 2002, TO PERMANENTLY CLOSE SORRELL STREET AT TRASK AVENUE (F: 122.11) (XR: 62.2a)

Staff report dated November 23, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that Sorrell Street at Trask Avenue be permanently closed with a cul-de-sac as a result of the State Route 22 Widening Project.

RECOMMENDATION FROM THE TRAFFIC COMMISSION MEETING OF NOVEMBER 16, 2004, TO TEMPORARILY CLOSE TAFT STREET AT THE STATE ROUTE 22 (SR-22) UNDERCROSSING JUST SOUTH OF TRASK AVENUE (F: 122.11) (XR: 62.2a)

Staff report dated November 23, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that Taft Street be temporarily closed at the State Route 22 (SR-22) undercrossing just south of Trask Avenue as a result of the SR-22 widening Project .

AWARD OF CONTRACT FOR PROJECT NO. 7264-B, MEDIAN IMPROVEMENTS ON GARDEN GROVE BOULEVARD FROM MAGNOLIA STREET TO BROOKHURST STREET (F: 96.PROJ.7264B)

Staff report dated November 23, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, 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-B, Median Improvements on Garden Grove Boulevard from Magnolia Street to Brookhurst Street; that contract for said project be and hereby is awarded to said

company in the sum of \$688,888.00, 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 City Manager and City Clerk are authorized to execute said contract.

ACQUISITION OF A RIGHT-OF-WAY EASEMENT OVER PORTIONS OF REAL PROPERTY LOCATED AT 100 AND 300 ALICANTE PLAZA FOR THE CONSTRUCTION OF A RIGHT-TURN LANE AT THE NORTHWEST CORNER OF HARBOR BOULEVARD AND CHAPMAN AVENUE, PROJECT NO. 7135
(F: 96.Proj.7135) (XR: A-55.71)

Staff report dated November 23, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the acquisition of an easement over a portion of real property located at 100 and 300 Alicante Plaza, owned by Atrium Plaza, LLC, for the construction of a right-turn lane at the northwest corner of Harbor Boulevard and Chapman Avenue, Project No. 7135, 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 \$84,550.00 to the seller, when appropriate to do so.

RECESS

At 11:00 p.m., the Mayor declared a recess.

RECONVENE

At 11:05 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

DISCUSSION CONCERNING THE ADOPTION OF A POLICY RELATING TO THE USE OF EMINENT DOMAIN, AS REQUESTED BY COUNCILMAN LEYES. (F: 53.1)

Councilman Leyes provided a copy of the Resolution adopted by the City of Anaheim relating to the use of eminent domain and requested that the City Council consider adopting a similar Resolution.

Councilman Tran commented that the last two paragraphs of the Anaheim Resolution contain a huge escape clause.

Mayor Broadwater commented that the Resolution does not stop eminent domain. There is something that can be done to limit the use of eminent domain in residential areas. He could not recall any

action by the Garden Grove City Council that took a person's home away.

Councilman Leyes commented that these kinds of changes should take place on the State level

Mayor Broadwater commented that one way to get rid of eminent domain is for the State to distribute the sales tax more fairly and distribute it to the cities on a per capita basis.

Councilman Leyes moved to adopt a similar resolution to the one he presented from the City of Anaheim. The motion died for lack of a second.

Councilman Rosen commented that Garden Grove might be the most aggressive city in the nation because of the development that has taken place on Harbor Boulevard. The City Council is not pro eminent domain but it should not send a message that the City Council really does not want to use it. Eminent domain should only be used as a last resort.

MATTERS FROM THE MAYOR, CITY COUNCILMEMBERS, AND CITY MANAGER

Councilman Leyes congratulated Councilman Tran on getting married last weekend, and wished him well in Sacramento. He reminded everyone to watch the Extreme Makeover TV program that will feature the Burns home on November 28. He requested that the City Council consider on the next agenda supporting the city of Anaheim in keeping the name of the Anaheim Angels. (F: 53.1)

Councilman Dalton wished Councilman Rosen a Happy Birthday and sent best wishes to his son and his son-in-law. He commented on the Council vacancy and noted that he was not in favor of a special election because of the cost involved. People who are interested may call any Councilman or write a letter. (F: 53.1)

Councilman Rosen also congratulated Councilman Tran. He commented that the next Council meeting will be December 14, noting that they have until January 12, 2005, to fill the vacancy. They may call a special meeting in December. (F: 53.1)

Councilman Tran thanked everyone for their good wishes. He commented that although this is his last City Council meeting, he will be working for the City of Garden Grove in Sacramento. He

advised that one of his first actions will be to try to save the State money by cutting the salaries of members whose committees only meet once a month. (F: 53.1)

Mayor Broadwater also congratulated Councilman Tran. He noted that at the next meeting there will be a changing of the guard. (F: 53.1)

ADJOURNMENT

At 11:30 p.m., the meeting was declared adjourned.

PRISCILLA STIERSTORFER
DEPUTY CITY CLERK