

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 25, 2003, at 6:48 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

Children representing the Interfaith Council presented to the City Council a paper chain in celebration of Family Week. The chain will be used to decorate the Christmas tree located in City Hall. (F: 52.3)

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Garden Grove Firefighters and presented them with Certificates of Recognition for their valuable assistance during the recent southland wildfires. (F: 52.3)
(XR: 61.1)

ORAL COMMUNICATIONS – PUBLIC

Ray Littrell commented that residents have expressed their opinion that eminent domain should not be used in residential areas, and noted that he is in favor of the ballot measure. He further commented that projects should be done without condemnation. (F: 53.3) (XR: 127.1) (XR: A-127.1)

Robin Marcario thanked Councilman Rosen for voting against the Sheldon Public Relations agreement at the last meeting and not wasting taxpayers' dollars. She noted that she is in favor of the ballot measure concerning OCTA. (F: 53.3) (XR: 55) (XR: 45.1) (XR: 23.18)

Cy LaBree commented that the members of the Fire Department deserved the recognition that was given to them. He requested that there be a ballot measure on fireworks; that the sign on the Brookhurst freeway exit have Garden Grove on top and Little Saigon on the bottom; and commended the City Council for its efforts regarding the widening of the 22 Freeway. (F: 53.3) (XR: 61.1) (XR: 61.6) (XR: 62.2)

Verla Lambert was in favor of placing the eminent domain issue on the ballot. She also commented on people not receiving their copy of "Connections"; Councilman Rosen's trip to Orlando; and that the Mayor wanted a casino on empty property. (F: 53.3) (XR: 127.1) (XR: A-127.1)

INTRODUCTION:

Mayor Broadwater introduced members of Boy Scout Troop 272 that were present in the audience. (F: 53.3)

FINAL PARCEL MAP NO. PM 2003-148 (F: 116.118.PM-2003-148) (XR: 96.PROJ.7257)

Staff report dated November 25, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that Final Parcel Map No. PM 2003-148 with the Garden Grove Agency for Community Development, for property located on the west side of Haster Street between Chapman Avenue and Otis Avenue, be and hereby is approved.

AFFORDABLE HOUSING AGREEMENT WITH SAGHIR ASLAM FOR THE PURCHASE AND REHABILITATION OF MULTI-FAMILY HOUSING UNITS (F: 117.160) (XR: A-117.6) (XR: 117.10I) (XR: 117.17C)

Staff report dated November 25, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the Affordable Housing Agreement by and between the City of Garden Grove and Sagir Aslam for the purchase and rehabilitation of eight multi-family housing units at 10812 Palma Vista Avenue, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

FIRST AMENDMENT TO AGREEMENT WITH CORRECTIONAL SYSTEMS INC. TO PROVIDE JAIL MANAGEMENT SERVICES (F: 55) (XR: 82.1)

Staff report dated November 25, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the First Amendment to the Agreement by and between the City of Garden Grove and Correctional Systems, Inc., to provide jail management services, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

MINUTES (F: Vault)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the minutes of the Regular City Council Meetings held August 26 and September 9, 2003, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that regular warrants 300297 through 300715, and payroll warrants 131718 through 132083, Direct Deposits D83952 through D84488, and wires W787 through W793, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – DEVELOPMENT AGREEMENT FOR SITE PLAN NO. SP-329-03 (F: 106.147) (XR: 116.SP-329-03)

Development Agreement for Site Plan No. SP-329-03. The Applicant, Allen Meredith, is requesting to construct a 24,719 square foot retail commercial building and a 5,489 square foot retail pad building on a 2.44-acre site. The site is zoned C-3 (Heavy Commercial) and is located on the southwest corner of Garden Grove Boulevard and Brookhurst Street at 10120 Garden Grove Boulevard.

On October 16, 2003, the City Planning Commission, pursuant to Resolution No. 5388 adopted a Negative Declaration, approved SP-329-03, and recommended approval of the Development Agreement for SP-329-03; and pursuant to Legal Notice published November 13, 2003, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated November 25, 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.

Allen Meredith addressed the Council and introduced the members of the project team. He noted that they were available to respond to any questions.

In response to Mayor Broadwater, Mr. Meredith commented that they will manage the entire property. He also noted that the signs will be identical in English and Korean or English and Vietnamese.

Councilman Tran inquired when the project will be completed. Mr. Meredith noted that they expect to finish in November 2004.

Cy LaBree commented that he is not objecting to the project, but he has concerns with the parking. People may get hurt the way the parking and circulation are shown. The stores in front have sufficient parking, but the building in back does not.

Ray Littrell inquired whether the applicant has been notified of the possible development of the Brookhurst Triangle. The Mayor responded that he has.

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

Councilman Dalton inquired whether there is any City money in the project. Staff noted that there is not.

In response to Councilman Dalton, the City Manager commented that there will be 158 parking spaces, of which 20% are compact spaces.

ORDINANCE NO. 2619 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 ALLEN MEREDITH (PROPERTY OWNER), AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND BROOKHURST STREET, AT 10120 GARDEN GROVE BOULEVARD, PARCEL NO. 089-070-65

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2619 be waived, and said Ordinance be and hereby is passed to second reading.

ADOPTION OF RESOLUTION APPROVING AN APPLICATION FOR A MURRAY-HAYDEN URBAN PARKS AND YOUTH SERVICE PROGRAM GRANT (F: 97.3.03) (XR: 73.20A)

Staff report dated November 25, 2003, was introduced.

In response to Councilman Rosen, staff indicated it is not believed that the removal of the roller hockey rink and additional basketball court will

significantly impact the neighborhood because the rink is rarely used for hockey, and there are additional basketball courts on the adjacent street.

Mayor Broadwater inquired as to the advantages of having a resource center. Staff noted that after-school programs are now being run in shifts. There are agencies that can provide more activities for kids but they need an inside facility. This facility will accommodate all the kids in the neighborhood, especially since they have no transportation to go someplace else in the city.

Councilman Tran questioned how much money the grant request is for. Staff noted that they will not know until the architect has completed the drawings. This is a competitive grant and there is no guarantee that the City will receive the funds.

Councilman Rosen commented that the City should apply for the grant; however, he would not like to lose the basketball court.

RESOLUTION NO. 8534-03

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8534-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE MURRAY-HAYDEN PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COSTAL PROTECTION ACT OF 2002 FOR THE CONSTRUCTION OF A PERMANENT FAMILY RESOURCE CENTER IN THE BUENA CLINTON NEIGHBORHOOD, be and hereby is adopted.

RECESS

At 7:42 p.m., the Mayor declared a recess.

RECONVENE

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

PLACEMENT OF AN ADVISORY MEASURE ON THE MARCH 2, 2004, PRIMARY ELECTION BALLOT AS TO WHETHER ORANGE COUNTY TRANSPORTATION AUTHORITY MEASURE M FUNDS SHOULD BE EXPENDED ON ROAD AND FREEWAY IMPROVEMENTS, INCLUDING THE WIDENING OF THE 22 FREEWAY, INSTEAD OF ON THE CENTERLINE LIGHT RAIL PROJECT

(F: 58.9.March 2004) (XR: 23.18C) (XR: 23.18F)

The City Manager commented that we are approaching the deadline to place this item on the March ballot and a decision has to be made on whether the Council would like to go forward with the measure.

Councilman Leyes commented that this measure is interesting and timely, and there is a lot of value to having the voters have a say. He noted that the new state budget proposal would cut transportation funds, which will continue the pressure for funding requests for the 22 Freeway. He indicated that he would also like to see a ballot measure in March on the eminent domain issue.

Mayor Broadwater commented that he cannot vote on spending that much money on a ballot measure. He indicated that there should be money transferred from the CenterLine Project to the 22 Freeway project.

Councilman Rosen commented that he read an article in the newspaper that the CenterLine Project has been reduced from 16 miles to 8 miles. He was in favor of a rail system that would assist people in shopping at South Coast Plaza or go to the airport; however, the new system will not stop at those locations. He agreed that the City should not spend between \$97,000 and \$130,000 to put the measure on the ballot. He commented that OCTA should put it on the ballot for all the Orange County voters to vote on it.

Councilman Dalton questioned where the CenterLine would stop in Garden Grove. Councilman Rosen responded that it will not come to Garden Grove.

Mayor Broadwater commented that there are at least five bridges in the city that will have to be rebuilt. The money they are spending on the CenterLine project could be used on the 22 Freeway. He noted that OCTA is crying poor and sitting on \$1 billion in reserves.

Councilman Tran commented that the Council took a position on this issue, and it is pending litigation. This measure has no legality, and it is only an advisory measure. He cannot support having it on the March ballot.

Councilman Leyes commented that perhaps all the cities that are opposed to the CenterLine Project could get together and put the measure on the November ballot. Or, if the leaders from these cities got together, they could come up with a way to dislodge the CenterLine Project from OCTA and divert those resources to solve the traffic problems.

The Resolutions for placement of an advisory measure on the March 2, 2004 Primary Election Ballot were not adopted.

CONSIDERATION OF PLACING AN ORDINANCE ON THE MARCH 2004 PRIMARY ELECTION BALLOT TO PROHIBIT THE USE OF EMINENT DOMAIN FOR THE ACQUISITION OF RESIDENTIAL AND COMMERCIAL PROPERTY IN CONJUNCTION WITH REDEVELOPMENT PROJECT ACTIVITIES

(F: 58.9.March 2004) (XR: 127.1) (XR: A-127.1)

Councilman Leyes commented that this is a proposed ordinance to prohibit the use of eminent domain on residential structures and “mom and pop” businesses. This is not a new issue and has been around since last summer. He believes that voter approval is necessary on this issue; because even if

this City Council agrees, the next City Council could overturn it. They cannot overturn a vote of the people. He commented that he would like to see it as a ballot measure; however, it is too expensive.

The City Attorney commented that a law firm looked at a proposed initiative regarding eminent domain. That is not allowed. There could be a referendum if the Agency voted on a redevelopment project and used eminent domain. The Court is very specific that the initiative power cannot be used against a redevelopment agency. The issue is a proposal that the City Council place a measure on the ballot regarding eminent domain. This would not be appropriate to place before the voters; however, there can be an advisory measure on whether the people would want the City Council to use the power of eminent domain. There would be no legality to the measure since it would be advisory only and could only be used in the redevelopment project area.

Councilman Tran requested that the City Attorney prepare an ordinance prohibiting the use of eminent domain. He is not willing to spend money to place the measure on the ballot. He would like to trust the next City Council to listen to the voters on how they feel on the use of eminent domain.

It was moved by Councilman Leyes to place an ordinance on the March 2004 Primary Election Ballot prohibiting the use of eminent domain for the acquisition of residential and commercial property in conjunction with redevelopment project activities. The motion died for lack of a second.

Councilman Leyes commented that when the City had the referendum to overturn the Council's decision on the Gilbert project, the Council could have placed that issue on the ballot but it chose to adopt an ordinance overturning its decision. He moved that his proposed ordinance on the use of eminent domain be adopted. The motion died for lack of a second.

Councilman Dalton commented that there was an issue when the City Council wanted to take homes for an entire park and the people spoke. The project did not happen. He is not in favor of spending that much money to place a measure on the ballot. The people will speak at a Council meeting to let them know what they want. Over the last few years, things have been changed because people have spoken out. People have an obligation to tell the Council what they want. He cannot vote to spend money on something that may be illegal or could be defeated.

Councilman Leyes requested that the ordinance be placed on the next agenda for further discussion.

The City Attorney questioned whether the Council would like to see several versions of the ordinance.

Councilman Tran requested that his version, as well as Councilman Leyes' ordinance, be placed on the next agenda.

MATTERS FROM THE MAYOR AND CITY COUNCILMEMBERS

Councilman Leyes commented regarding the changes that will take place with the new Governor, noting that he signed the order to rescind the increase in the Vehicle License Fee. Senate Bill 60 regarding the drivers' licenses will also be rescinded. (F: 53.1)

Mayor Broadwater inquired whether it would be a violation of the Brown Act if the discussions in Closed Session were taped or notes taken without their being considered public record. The City Attorney commented that he would research it and provide a response. (F: 53.1) (XR: 44.2)

Mayor Broadwater wished everyone a Happy Thanksgiving, noting that we all have a lot to be thankful for. (F: 53.1)

ADJOURN TO CLOSED SESSION

At 8:45 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 Garden Grove v. Orange County Transportation Authority; and pursuant to Government Code Section 54956.9, the City Council will confer with its Legal Counsel regarding the status of Flores v. Broadwater.

Present in Closed Session, in addition to Mayor Broadwater and all Council members, were Assistant City Manager, Matthew Fertal; Assistant City Manager, Les Jones; Finance Director, Anthony Andrade; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; Deputy Police Chief, Scott Jordan; City Attorney, John Shaw; and Special Counsels, Lois Bobak and Gabriel Flores.

RECONVENE IN OPEN SESSION

At 10:54 p.m., the meeting was reconvened, and it was announced that all matters previously disclosed were discussed and no others.

ADJOURNMENT

At 10:55 p.m., the meeting was declared adjourned.

PRISCILLA STIERSTORFER
DEPUTY CITY CLERK