

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, December 9, 2003, at 7:00 p.m.

ROLL CALL: PRESENT: (4) MAYOR PRO TEMPORE TRAN,
COUNCILMEMBERS DALTON, LEYES, ROSEN

ABSENT: (1) MAYOR BROADWATER

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 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 Pro Tempore Tran called forward Anthony J. Andrade, Finance Director, and presented him a Certificate of Recognition on his retirement after 23 years of safeguarding and enhancing the financial health and integrity of our City. (F: 52.3) (XR: 60.1)

ORAL COMMUNICATIONS – PUBLIC

Eileen Jurak commented regarding an altercation she had with the security guard at the Social Security office. (F: 53.3)

Bob Owens commented regarding the Social Security office, the war in Iraq, excessive campaign contributions from out of the county and out of the state, and the Republicans denying extensions for unemployment benefits. (F: 53.3)

Michael Benjamin commented regarding an incident that occurred with police officers and provided a copy of his letter outlining the altercation. (F: 53.3) (XR: 82.1)

Ray Littrell commented regarding the proposed stop sign on Blackmer (Item No. 7.a.2.), noting that it is not needed at that location. (F: 53.3) (XR: 122.10) (XR: 100.1)

RECESS

At 7:32 p.m., the Mayor Pro Tempore declared a recess.

RECONVENE

At 8:06 p.m., the meeting was reconvened with Mayor Pro Tempore Tran and Council members Dalton, Leyes, and Rosen in attendance.

REORGANIZATION OF THE CITY COUNCIL (F: 10.6)

It was moved by Mayor Pro Tempore Tran, seconded by Councilman Rosen, and carried by unanimous vote of those present, that Councilman Dalton be and hereby is appointed as Mayor Pro Tem.

MAYOR PRO TEM DALTON ASSUMED THE CHAIR.

COMMUNICATION FROM THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR THE APPOINTMENT OF TWO REPRESENTATIVES AND ONE ALTERNATE TO SERVE AS PART OF THE I-405 MAJOR INVESTMENT STUDY POLICY WORKING GROUP (F: 23.18) (VIP)

Communication from OCTA, dated November 18, 2003, was introduced asking for the appointment of two representatives and one alternate to serve as part of a Major Investment Study (MIS) of the San Diego Freeway (I-405) from the Corona Del Mar Freeway to the San Gabriel River Freeway.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote of those present, that Mayor Broadwater and Councilman Leyes be appointed as representatives and Councilman Rosen as an alternate, to the I-405 MIS Policy Working Group.

COMMUNICATION FROM THE ORANGE COUNTY REGISTRAR'S OFFICE FOR USE OF THE COMMUNITY MEETING CENTER FOR TRAINING POLL WORKERS ON THE NEW ELECTRONIC VOTING SYSTEM (F: 88.1) (XR: 48.4)

Communication dated November 20, 2003, was introduced, requesting the Community Meeting Center to train poll workers on the new electronic voting system.

It was moved by Councilman Tran, seconded by Councilman Rosen, and carried by unanimous vote of those present, that the Registrar of Voters be authorized to use the Community Meeting Center to train workers on the new electronic voting system from February 2 through February 29, 2004, depending on availability.

RESOLUTION COMMENDING ANTHONY J. ANDRADE, RETIRING FINANCE DIRECTOR FOR THE CITY OF GARDEN GROVE (F: 52.2) (XR: 60.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that a Resolution commending Anthony Joseph Andrade for safeguarding and enhancing the financial health and integrity of our City, be and hereby is approved.

CLAIMS FOR DAMAGES (F: 49.2)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that claims submitted by Toby Rubin and by Gladys Tarrant; claim submitted by Interinsurance Exchange of the Auto Club for Diem George; claim submitted on behalf of Timothy Bernhard; and amended claim submitted on behalf of Diem George, be and hereby are denied.

FINAL PARCEL MAP NO. PM 2000-125 (F: 106.133) (XR: 118.PM-2000-125) (XR: 116.SP-312-02)

Staff report dated December 9, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that Final Parcel Map No. PM 2000-125 with Evergreen Devco, Inc., for property located at the southwest corner of Euclid Street and Chapman Avenue, be and hereby is approved.

FINAL PARCEL MAP NO. PM 2002-143 (F: 118.PM-2002-143)

Staff report dated December 9, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that Final Parcel Map No. PM 2002-143 with Cuong Chi Nguyen, for property located on the southwest corner of West Street and Daniel Avenue, be and hereby is approved.

FINAL PARCEL MAP NO. PM 2002-150 (F: 118.PM-2002-150)

Staff report dated December 9, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that Final Parcel Map No. PM 2002-150 with Mary Fedur, for property located at the southeast corner of Dale Street and Hopi Road, be and hereby is approved.

APPROVAL OF 2002-03 REDEVELOPMENT AGENCY ANNUAL REPORT
(F: A-128.3)

Staff report dated December 9, 2003, was introduced.

Councilman Rosen inquired what the maximum amount is that could be used to purchase a house under the First Time Homebuyer Program. Staff noted that it depends on the size of the family. A family of four could qualify for the maximum of \$220,000, if they are in the low-income bracket.

Councilman Rosen asked how many people received assistance last year. Staff noted that there were three. The City Manager noted that the Agency is now using the CalHome Program.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that the 2002-03 Redevelopment Agency Annual Report be and hereby is approved for transmittal to the Controller of the State of California.

PROJECT NO. 7630, CHAPMAN SPORTS COMPLEX PARKING LOT AND SPORTS LIGHTING - PLANS AND SPECIFICATIONS (F: 73.23.Proj.7630)
(XR: 55-Y'Deen Associates Architect)

Staff report dated December 9, 2003, was introduced.

Councilman Leyes commented that this is a big step forward. He inquired whether the grant money has been received. The City Manager commented that the City received the grant money but then delayed the project because of the energy crisis. He noted that the project is now ready to go out to bid.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote of those present, that plans and specifications for the above-titled project, be and hereby are approved; and the City Clerk is authorized to advertise for bids.

AGREEMENT WITH CONTROL AUTOMATION DESIGN, INC. TO PROVIDE COMPUTER PROGRAMMING AND SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM SUPPORT FOR THE CITY'S WATER WELLS AND RESERVOIRS (F: 55) (XR: 112.11) (XR: 112.12)

Staff report dated December 9, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that the Agreement by and

between the City of Garden Grove and Control Automation Design, Inc., to provide computer programming and Supervisory Control and Data Acquisition system support for the City's water wells and reservoirs, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT WITH UNION OF VIETNAMESE STUDENT ASSOCIATIONS TO PERMIT THEM TO CONDUCT THE TET FESTIVAL AT GARDEN GROVE PARK
(F: 55) (XR: 42.8a)

Staff report dated December 9, 2003, was introduced.

Councilman Leyes questioned whether this was a four-year agreement. The City Manager commented that the City entered into a five-year agreement last year and revised the agreement to include that they pay a greater part of the expenses. The Association agreed to participate and help pay expenses for the remaining four years.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that the Agreement by and between the City of Garden Grove and the Union of Vietnamese Student Associations to permit them to conduct the TET Festival at Garden Grove Park, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT WITH SENIOR MEALS AND SERVICES FOR PROGRAM SUPPORT SERVICES TO THE H. LOUIS LAKE SENIOR CENTER (F: 55) (XR: 87.7)

Staff report dated December 9, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that the Agreement by and between the City of Garden Grove and Senior Meals and Services for program support services to the H. Louis Lake Senior Center, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AMENDMENT OF AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC., TO PROVIDE SCHOOL CROSSING GUARD SERVICES (F: 55) (XR: 82.1)

Staff report dated December 9, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that the Agreement by and between the City of Garden Grove and All City Management Services, Inc., to provide School Crossing Guard services, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

INSTALLATION OF THE CNG FUELING STATION - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 55) (XR: 24.1)

Staff report dated December 9, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that the Installation of the CNG Fueling Station, be accepted as complete as of this date; the Finance Director is authorized to make the final payment of \$40,359.01 and release the retention payment to Gas Equipment Systems when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

STRAWBERRY BOWL AMPHITHEATER TRELIS REPLACEMENT - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 55) (XR: 87.5)

Staff report dated December 9, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that the Strawberry Bowl Amphitheater Trellis Replacement, be accepted as complete as of this date; the Finance Director is authorized to make the final payment of \$36,012.28 and release the retention payment to C.C.S. Enterprises when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

RESOLUTION AUTHORIZING THE APPLICATION FOR GRANT FUNDING FROM THE CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION FOR NORTHEAST GARDEN GROVE LITTLE LEAGUE AND AYSO REGION 28 (F: 97.4.03) (XR: 87.1)

Staff report dated December 9, 2003 was introduced.

RESOLUTION NO. 8535-03

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that full reading of Resolution No. 8535-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE APPLICATION FOR STATE GRANT FUNDS FOR NORTHEAST GARDEN GROVE LITTLE LEAGUE (GF-30-049) AND AYSO REGION 28 (GF-30-043) be and hereby is adopted.

MINUTES (F: Vault)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the minutes of the Regular City Council Meetings of September 23, September 30, and October 14, 2003, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that regular warrants 300716 through 301932, payroll warrants 131941 through 132299, Direct Deposits D84489 through D85023, and wires W794 through W797, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND PROPOSED SUBSTANTIAL AMENDMENT #2 TO 2003/04 ACTION PLAN
(F: 117.10D)

Staff report dated December 9, 2003, was introduced, noting that the intent of this hearing is to consider emerging or diminishing needs or opportunities in our community.

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

Ray Littrell commented that money proposed for sidewalk improvements on Garden Grove Boulevard should be spent on Lampson Avenue. Of the 10 priorities listed on Exhibit 2, the goal of No. 2 should be the testing of every school building for lead-based paint as well as any building for which a building permit is taken out. He noted that the explanations should be more in lay terms so that the general public can determine if the goal has been accomplished.

Bob Owens commented that staff's explanations are just double-talk that he does not understand. HUD money is Federal money that is for the poor. He questioned how HUD money could be used on Harbor Boulevard.

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

The City Manager commented that five years ago, the rules for the use of HUD money were changed and the money can be used for economic purposes. He noted that Lampson Avenue does not qualify or follow the Federal guidelines. Letters have been received from HUD noting their concern with the City's compliance with the guidelines. The City has had to hire additional staff to comply with the HUD rules. Improvements on Harbor Boulevard fall within the guidelines of HUD.

In response to Councilman Rosen, staff noted that the lead-base testing may be made available to homeowners as a grant.

Councilman Rosen noted that the Tibb Circle Tot Lot did not meet the guidelines; however, it was a very needed project.

Councilman Tran commented that the sidewalk improvements for Lampson Avenue were approved. He questioned why the money is being used on Harbor Boulevard. The City Manager noted that the money will assist with the relocation of Green's Glass.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that the Substantial Amendment #2 to the Action Plan 2003/04, including the new funding allocations, revised Citizen Participation Plan, and new map of CDBG low- and moderate-income areas be and hereby is approved; and the City Manager and City Clerk are authorized to execute related necessary new or amended subrecipient agreements.

HEARING OF PROTESTS ON THE FALL 2003 WEED ABATEMENT INVOICES
(F: 113.FALL 2003)

Staff report dated December 9, 2003, was introduced, reviewing the requirement to hold a public hearing for receipt of objections to the Weed Abatement Invoices mailed to parcel owners whose properties were cleaned by the City's contractor during the Fall 2003 Weed Abatement Program.

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

Bob Owens commented that the City will charge the property owner if they do not clean their weeds; however, when people call to get their trees trimmed, they are told that no one in the City will do that work.

There being no further response from the audience or comments from Council members, the public hearing was declared closed.

RESOLUTION NO. 8536-03

It was moved by Councilman Tran, seconded by Councilman Rosen, and carried by unanimous vote of those present, that full reading of Resolution No. 8536-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE CONFIRMING REPORT OF COSTS OF FALL 2003 WEED ABATEMENT AND DIRECTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD OUTSTANDING ASSESSMENTS TO THE 2003-2004 ASSESSMENT ROLL AS INDICATED BY SAID REPORT, be and hereby is adopted.

RECOMMENDATIONS FROM THE TRAFFIC COMMISSION MEETING OF
NOVEMBER 4, 2003 (F: 122.10) (XR: 96.1)

Staff reports dated December 9, 2003, were introduced.

Councilman Leyes commented regarding the flow of traffic and having the stop signs too close together. The Traffic Engineer commented that having them close together controls traffic to make it safer.

Councilman Rosen requested more information on the stop sign on Blackmer Street since the vote at the Traffic Commission meeting was not unanimous. He noted that there is a four-way stop close by in the city of Cypress and it seems redundant to have another on Santa Catalina. It would be more appropriate to have it on Santa Monica. The Traffic Engineer commented that the warrants were not satisfied for the intersection of Blackmer and Santa Monica.

Councilman Leyes commented regarding the right-turn lane at Taft Street and Grove Avenue, noting that there is a hazard with vehicles trying to cross Garden Grove Boulevard. The Traffic Engineer commented that this is the only solution since Main Street is too close to install another traffic signal.

It was moved by Councilman Leyes, seconded by Mayor Pro Tem Dalton, and carried by unanimous vote of those present, to approve the installation of "Right Turn Only" restrictions for northbound Taft Street and southbound Grove Avenue at Garden Grove Boulevard; to approve the installation of all-way stops at the intersections of Stanford Avenue/Dale Street, and Ward Street/Woodbury Avenue; and to continue all-way stops at Blackmer Street/Santa Catalina Avenue to January 13, 2004.

SECOND READING OF ORDINANCE NO. 2619

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinance No. 2619 be waived.

ORDINANCE NO. 2619 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 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 (F: 106.147) (XR: 116.SP-329-03)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that Ordinance No. 2619 be and hereby is declared passed.

CONSIDERATION OF PROPOSED ORDINANCES RELATING TO THE USE OF
EMINENT DOMAIN BY THE REDEVELOPMENT AGENCY FOR VARIOUS PROJECTS
(F: A-127.1) (XR: 127.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that this matter be continued to the meeting of January 13, 2004.

MATTERS FROM THE MAYOR AND CITY COUNCILMEMBERS

Councilman Leyes commented regarding the State's mid-year spending reduction proposals recently received from Senator Dunn, noting that it includes approximately \$3.9 billion reductions over two years. Also, since the Governor rolled back the car tax, cities are losing millions of dollars until they find a way to fund the backfill. He wished everyone Happy Holidays and a great New Year. (F: 53.3)

Councilman Rosen noted that one of the items in the spending reduction proposals is a transfer of money from the Traffic Congestion Relief Fund. He has lobbied hard with OCTA to use the money for the 22 Freeway rather than the CenterLine project. He also wished everyone Happy Holidays. (F: 53.1)

Mayor Pro Tem Dalton sent birthday wishes to his son Bill, son Scott, daughter Pamela, and wife Sandy. (F: 53.1)

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. 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.

Present in Closed Session, in addition to Mayor Broadwater and all Council members, 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; and City Attorney, John Shaw.

RECONVENE IN OPEN SESSION

At 10:47 p.m., the meeting was reconvened and it was announced that all matters previously disclosed were discussed and no others.

ADJOURNMENT

At 10:48 p.m., the meeting was declared adjourned.

PRISCILLA STIERSTORFER
DEPUTY CITY CLERK