

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, May 30, 2000, at 7:05 p.m.

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

ABSENT: (0) NONE

ALSO PRESENT: City Manager, George Tindall; Deputy City Manager, Catherine Standiford; City Attorney, John Shaw; Deputy City Clerk, Priscilla Stierstorfer; Community Services Director, Cal Rietzel; Personnel Services Director, Steve Larson; and Public Works Director, Les Jones.

ORAL COMMUNICATIONS - PUBLIC

Pastor Jean Wilson requested assistance in finding a new site for her church, Guiding Light Church, 12012 Magnolia Street. Mayor Broadwater requested that staff from Community Development assist Pastor Wilson with possible sites. (F: 53.3)

Cy LaBree commented regarding the lack of management and lack of maintenance at the Malabar Apartments, noting that the area is becoming a ghetto. (F: 53.3)

Eileen Jurak commented regarding the problems she is having with the Homeowners Association at Lakeside Condos. (F: 53.3)

Dietrich Nicholson commented that Oral Communications should be televised. (F: 53.3)

Phil Bacerra commented that he and his neighbors would like the temporary closure at Rancho Way made permanent. Staff from Public Works will advise the time frame when this can be accomplished. (F: 53.3) (XR: 100.1)

Mark Kelton commented regarding approval of Parcel Map No. PM 99-225 (Item 3.b.) and requested that condition 4.c. be deleted. (F: 53.3) (XR: 118.PM-99-225)

INVOCATION AND PLEDGE

The Invocation was given by Deputy City Manager, Catherine Standiford. The Pledge of Allegiance to the Flag of the United States of America was led by Councilman Rosen.

RECESS

At 7:35 p.m., the Mayor declared a recess.

RECONVENE

At 7:43 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

PROCLAMATION - FLAG DAY OF CALIFORNIA (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that June 14, 2000, be and hereby is proclaimed Flag Day of California.

FINAL PARCEL MAP NO. PM 99-225, FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF CHAPMAN AVENUE AND VALLEY VIEW STREET (F: 118.PM-99-225)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that Final Parcel Map No. PM 99-225, for property located on the northwest corner of Chapman Avenue and Valley View Street, with the deletion of condition 4.c. that was approved by the Planning Commission, be and hereby is approved.

FINAL MAP AND SUBDIVISION AGREEMENT - TRACT NO. 15693 (F: 103.TT15693)

Staff report dated May 30, 2000, was introduced, reviewing the Final Tract Map and Subdivision Agreement for Tract No. 15693, submitted by Summerwood Homes.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that the Final Map and Subdivision Agreement and Subdivision Improvement Bonds for Tract No. 15693, located on the Southern California Edison Easement between Mays Avenue on the north end

and Westminster Avenue on the south end, be and hereby are approved; and the Mayor and City Clerk are directed to execute the agreement.

AWARD OF CONTRACT FOR THE INSTALLATION OF PARK PICNIC SHELTERS AT GARDEN GROVE AND MAGNOLIA PARKS (F: 55) (XR: 73.5)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that A & M Construction be and hereby is determined to be the lowest acceptable bidder in connection with the installation of picnic shelters at Garden Grove and Magnolia Parks; that contract for said project be and hereby is awarded to said company in the sum of \$107,100.00, 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.

AWARD OF CONTRACT FOR THE 2000/01 SLURRY SEAL PROJECT (F: 55) (XR: 24.2)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that Roy Allan Slurry Seal, Inc., be and hereby is determined to be the lowest acceptable bidder in connection with the 2000/01 Slurry Seal Project; that contract for said project be and hereby is awarded to said company in the sum of \$176,183.31, 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.

SOLICITATION OF A CONTRACTOR TO STUCCO THE WEST GROVE PARK RECREATION BUILDING (F: 73.11)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that staff be and hereby is authorized to seek a contractor and negotiate an agreement to complete the stucco project at West Grove Park Recreation Building; and the City Manager and City Clerk are authorized to execute the agreement.

STREET DEED AND RIGHT-OF-WAY AGREEMENT (F: 84.3A) (XR: 96.PROJ.7163)
(Vault)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that Street Deed and Right-of-Way Agreement for Parcel 3, 11951 Magnolia Street, in connection with Project No. 7163, Chapman Avenue/Magnolia Street Intersection Improvements, be and hereby are approved; the City Manager and City Clerk are authorized to execute said documents; the City Clerk is authorized to accept the Street Deed on behalf of the City; and the Controller is authorized to draw warrant in the amount of \$33,000.00 to the Peter S. and Chelsea L. Bicknell Trust when appropriate to do so.

PROJECT NO. 7261, GARDEN GROVE BOULEVARD MEDIAN IMPROVEMENTS - PLANS AND SPECIFICATIONS (F: 96.PROJ.7261)

Staff report dated May 30, 2000, was introduced.

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

PROJECT NO. 7265, HARBOR BOULEVARD MONUMENTATION INSTALLATION - PLANS AND SPECIFICATIONS (F: 96.PROJ.7265)

Staff report dated May 30, 2000, was introduced.

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

AMENDMENT TO AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ADDITIONAL WORK RELATED TO CULTURAL RESOURCES FOR THE HARBOR BOULEVARD ENVIRONMENTAL IMPACT REPORT (EIR) (F: 55) (XR: 96)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that the Amendment to the Agreement by and between the City of Garden Grove and Kimley-Horn and Associates, Inc. for

additional work related to cultural resources for the Harbor Boulevard EIR be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AGREEMENT WITH DIVE/CORR, INC. FOR REPAIRS AT LAMPSON RESERVOIR
(F: 55) (XR: 112.12A)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Dive/Corr, Inc. for repair work, including the installation of a drain vault cover, at the Lampson Reservoir be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT WITH WILDAN FOR ENGINEERING SERVICES ON AN AS-NEEDED BASIS (F: 55)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Wildan. for engineering services on an as-needed basis be and hereby is approved; and the City Manager and City Clerk are authorized to execute the Agreement.

PROJECT NO. 7124, TRAFFIC SIGNAL MODIFICATIONS AT VARIOUS LOCATIONS - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 100.PROJ.7124)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that Project No. 7124, Traffic Signal Modifications at Various Locations, be accepted as complete as of this date; the Controller is authorized to release the retention payment to Signal Maintenance, Inc., when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

PROJECT NO.8860, HARBOR BOULEVARD INFRASTRUCTURE IMPROVEMENTS, SITE A - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 96.PROJ.8860) (XR: 55)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that Project No. 8860, Harbor Boulevard Infrastructure Improvements, Site A, be accepted as complete as of this date; the Controller is authorized to release the retention payment to Elser Constructors, Inc., when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

PROJECT NO. 7165, BROOKHURST/WESTMINSTER INTERSECTION IMPROVEMENTS - ACCEPTANCE OF CONTRACT AS COMPLETE
(F: 96.PROJ.7165)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that Project No. 7165, Brookhurst/Westminster Intersection Improvements, be accepted as complete as of this date; the Controller is authorized to release the retention payment to Excel Paving Company, when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

PARK RESTROOM REMODEL - ACCEPTANCE OF CONTRACT AS COMPLETE
(F: 73.1proj) (XR: 73.10) (XR: 73.11) (XR: 73.12) (XR: 73.16)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that Park Restroom Remodel, be accepted as complete as of this date; the Controller is authorized to draw warrant in the amount of \$33,941.25, and release the retention payment to U.S.S. Cal Builders, Inc., when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

PROJECT NO. 7826, BROOKHURST STREET SEWER IMPROVEMENTS - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 92.PROJ.7826)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that Project No. 7826, Brookhurst Street Sewer Improvements, be accepted as complete as of this date; the Controller is authorized to release the retention payment to Elser Constructors, Inc., when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

AWARD OF PURCHASE – ELECTRONIC WATER METER READING SYSTEM –
PUBLIC WORKS DEPARTMENT (F: 112) (XR: 78.10) (XR: 86)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that a purchase order for the replacement of an electronic water meter reading system, be and hereby is awarded to the lowest qualified bidder, Datamatic.Com, Utilities Solutions in the amount of \$24,117.00.

AWARD OF PURCHASE – GLOBAL POSITIONING EQUIPMENT FOR USE IN
CREATING WATER SYSTEM LAYER FOR THE CITY'S GRAPHICAL INFORMATION
SYSTEM – PUBLIC WORKS DEPARTMENT (F: 112) (XR: 78.10) (XR: 86)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that a purchase order for global positioning equipment for use in creating water system layer for the City's Graphical Information system, be and hereby is awarded to the lowest qualified bidder, Allen Instrument in the amount of \$81,005.40.

MINUTES (F: Vault)

It was moved by Councilman Rosen, seconded by Councilman Chung and carried by unanimous vote, that the minutes of the Regular City Council Meetings held February 22, March 14, and March 28, 2000; be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that regular warrants 217297 through 218761 and payroll warrants 97822 through 98480, Direct Deposits D35832 through D37161, and wires W347 through W354 which have been audited for accuracy and availability of funds by the Controller, be and hereby are approved.

PUBLIC HEARING – GARDEN GROVE CITY STREET LIGHTING DISTRICTS AND
PARK MAINTENANCE DISTRICT – FISCAL YEAR 2000-2001 (F: 69.00/01) (XR: 31.5)

Staff report dated May 30, 2000, was introduced.

Councilman Rosen questioned what opportunity a property owner would have if the property owner felt that the parcel was not properly assessed. He inquired whether there was an administrative process. Staff noted that it can be brought to staff's attention or the property owner may file an appeal to the City Council.

Councilman Dalton inquired whether all the parcels are checked or only those parcels that are brought to staff's attention. Staff commented that a review is made when there is a land use change. However, parcels are only checked individually when they are brought to staff's attention.

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

Tony Flores commented that he was not against the charges but rather the fairness of the charges. He provided a list of various locations that he felt had discrepancies in the assessment.

Ray Littrell commented that he has protested the assessments over the last five years. He questioned when the errors would be fixed. He commented that there are 86 vacant parcels; however, the Assessor's office shows that 22 of those parcels have improvements.

There being no further comments, the public portion of the hearing was closed.

Councilman Leyes inquired into the process if a parcel has been incorrectly assessed for several years and asked whether there is a statute of limitation. Ruben Wiener, consultant, commented that the City is required to refund only one year.

Councilman Leyes commented that since the City is not raising the rates, the City is not required to notify each parcel owner of the assessment. He commented regarding a parcel that is now industrial and was approved for a church. He questioned when the adjustment would be made to the lower rate. Mr. Wiener commented that if the parcel is developed after the assessments are confirmed, the City is not required to adjust the rate until the following year.

Councilman Rosen questioned what is done with the parcels that are undercharged. Staff commented that if the assessments are changed, the owners will have to be notified, and the changes cannot be made until next year.

Councilman Dalton inquired about the parcels to which by Mr. Littrell referred. Staff commented that some parcels might need to be changed; however, any increases will have to be made next year after proper notification to the owners.

Councilman Dalton commented that staff should review the list of corrections before August and make some adjustments now.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that adoption of the Resolutions confirming the proceedings be continued to June 13, 2000.

RECESS

At 8:10 p.m., the Mayor declared a recess.

RECONVENE

At 8:20 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers present.

PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-133-99, STREET VACATION NO. SV-110-99, AND A DEVELOPMENT AGREEMENT (F: 116.PUD-133-99) (XR: 110.SV-110-99) (XR: 106.105)

Planned Unit Development No. PUD-133-99, Street Vacation No. SV-110-99, and a Development Agreement, initiated by Crystal Cathedral Ministries, requesting to rezone an approximately 6.46-acre site from R-1 (Single Family Residential) and an approximately 26.50-acre site from PUD-102-87 to PUD-133-99, to vacate portions of Anzio Street and Salerno Street, and to approve a Development Agreement for the construction of a 53,465 square foot, six-level, International Hospitality Center, and a future expansion of the existing cemetery. The site is located on the southwest corner of Chapman Avenue and Lewis Street, at 12141 Lewis Street.

The City Planning Commission, pursuant to Resolutions No. 5110 and No. 5112, recommended approval of PUD-133-99, the Development Agreement, and SV-110-99 on April 19, 2000; and pursuant to Legal Notice published May 18, 2000, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated May 30, 2000, was introduced, and staff provided background information concerning this matter.

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

Larry Davis, representing the Crystal Cathedral, commented that this project will provide for the expansion of the cemetery and an International Hospitality Center for the more than 300,000 visitors to the church. He noted that two meetings were held with the adjacent property owners, and their concerns have been met regarding landscaping and setbacks. He indicated that they began a newsletter to keep the neighbors informed.

Jim Crawford, architect for the expansion, commented that the project will be expanded to the west and to the south and a portion of Anzio and Salerno streets will be vacated. Traffic will flow smoothly onto the public streets. Parking will be away from the residential area.

In response to Councilman Leyes, Mr. Crawford commented that the building is open to the north, and there will be a glass wall that folds back.

Jamie Finnsson addressed the Council, commenting that she represents several neighbors, and she is the coordinator for the Neighborhood Watch Program in the neighborhood. She noted their concerns with the increase in traffic and parking. She commented that the neighbors requested that the traffic be surveyed in their neighborhood in addition to Lewis Street and Chapman Avenue. She inquired whether there were any plans to hire people to control the traffic. In the past they have stated that they have adequate parking; however, people still park on Dawn and other residential streets. She questioned whether street parking will be monitored.

George Reyner, traffic consultant, responded that parking on Dawn should decrease because they are increasing parking on site. He noted that they studied a year's worth of data. He commented that there will be no access because of the perimeter wall and visitors will find closer parking on site rather than parking on the side streets. He also commented regarding the neighbors concerns with cars cutting through the neighborhood. He noted that they will do a study of the entire neighborhood to determine where cars are entering and exiting.

Georgie Kajer addressed the Council and commented that her father owns the one remaining home on Salerno. He does not wish to move; however, he is interested in seeing the actual construction drawings and the schedule of construction.

Dietrick Nicholson inquired as to how much the project is costing. Mayor Broadwater commented that it is a private project, and he does not know.

Mr. Nicholson questioned how much tax revenue the City will derive from the project. Mayor Broadwater commented that there will be sales tax from the bookstore.

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

Councilman Leyes commented that it is a very nice campus, and they have gone a long way to accommodate the concerns of the adjacent property owners.

Councilmen Chung commented that most of the churches do not have a cemetery on the campus. He inquired as to the law regarding cemeteries. Staff noted that cemeteries are allowed in residential and open space areas. The City Manager commented that this project has its own Planned Unit Development, and the cemetery was allowed with a Conditional Use Permit.

Councilman Dalton commented that they have addressed the concerns of the neighbors.

Councilman Rosen commented that the Crystal Cathedral is a treasure for Garden Grove. It attracts people to Garden Grove, and it is a great center of worship.

ORDINANCE NO. 2519 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 PLANNED UNIT DEVELOPMENT NO. PUD-133-99 FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF CHAPMAN AVENUE AND LEWIS STREET, PARCEL NOS. 231-161-01 THROUGH 08, AND 10 THROUGH 16; 231-162-01 THROUGH 04, 30 & 31; 231-162-01 THROUGH 12; 231-031-02, 07, 08; 231-021-24; AND 231-022-01 & 02

It was moved by Councilman Chung, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2519 be waived, and said Ordinance be and hereby is passed to second reading.

ORDINANCE NO. 2520 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 CRYSTAL CATHEDRAL MINISTRIES AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF CHAPMAN

AVENUE AND LEWIS STREET, PARCEL NOS. 231-161-01 THROUGH 08, AND 10 THROUGH 16; 231-162-01 THROUGH 04, 30 & 31; 231-162-01 THROUGH 12; 231-031-02, 07, 08; 231-021-24; AND 231-022-01 & 02

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that full reading of Ordinance No. 2519 be waived, and said Ordinance be and hereby is passed to second reading.

RESOLUTION NO. 8280-00

It was moved by Councilman Chung, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8280-00 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING STREET VACATION NO. SV-110-99 TO VACATE A PORTION OF ANZIO STREET AND SALERNO STREET, GENERALLY LOCATED AT THE NORTHERLY TERMINUS OF ANZIO STREET AND SALERNO STREET, DESCRIBED IN EXHIBIT A AND SHOWN IN EXHIBITS B AND CA ATTACHED, AND DETERMINING THAT THE STREET VACATION IS CONSISTENT WITH THE CITY'S GENERAL PLAN, be and hereby is adopted.

PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-135-00 AND A DEVELOPMENT AGREEMENT (F: 116.PUD-135-00) (XR: 106.106)

Planned Unit Development No. PUD-135-00 and A Development Agreement, initiated by County Wide Jeep-Eagle, requesting to rezone an approximately 3.2-acre site from M-1 (Light Industrial) to Planned Unit Development No. PUD-135-00, to allow the construction and operation of a 49,654 square foot automobile sales, display, service, repair and auto body facility, and to approve a Development Agreement. The site is located on the south side of Trask Avenue between Taft Avenue and Mills Road.

The City Planning Commission, pursuant to Resolution No. 5106, recommended approval of PUD-135-00 and the Development Agreement on April 19, 2000, and pursuant to Legal Notice published May 18, 2000, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated May 30, 2000, was introduced, and staff provided background information concerning this matter.

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

Chris Cleverley, representing the applicant, commented that he was available to respond to any questions.

Cy LaBree inquired whether the Redevelopment Agency gave the land to the applicant. Mayor Broadwater commented that the property is owned by the Hoag Foundation.

Mr. LaBree commented that sometimes after a dealership has relocated they change names. He questioned whether there are any restrictions to remain for a certain period of time. Mayor Broadwater commented that any restrictions would apply to all the dealerships.

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

Councilman Rosen commented that this dealership was going to move some place. The City Manager commented that this dealer is moving to the auto mall based on performance.

Councilman Dalton commented that this is the first dealership with an auto body repair. Staff noted they are the first at the auto mall. The City Manager commented that the other dealerships are restricted because the zone they are in does not allow auto body work.

Councilman Leyes commented that the Council already had a public hearing on the particulars of the deal with the Redevelopment Agency. He noted that this public hearing is to change the zoning. This is the last major dealership in town that will move to Trask.

ORDINANCE NO. 2521 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 PLANNED UNIT DEVELOPMENT NO. PUD-135-00 FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF TRASK AVENUE AND TAFT STREET, PARCEL NOS. 099-251-07, 08, 09, 12, 13, 14, 17, 46, 49, 53, 54

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2521 be waived, and said Ordinance be and hereby is passed to second reading.

ORDINANCE NO. 2522 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 COUNTY WIDE JEEP-EAGLE AND THE CITY OF GARDEN GROVE FOR PROPERTY

LOCATED AT THE SOUTHEAST CORNER OF TRASK AVENUE AND TAFT STREET, PARCEL NOS. 099-251-07, 08, 09, 12, 13, 14, 17, 46, 49, 53, 54

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that full reading of Ordinance No. 2522 be waived, and said Ordinance be and hereby is passed to second reading.

RECOMMENDATION FROM THE PARKING AND MAIN STREET COMMISSION REGARDING THE PROPOSED 2000-01 BUDGET FOR MAIN STREET ASSESSMENT DISTRICT NO. 1, AND ADOPTION OF RESOLUTION INITIATING THE PROCEEDINGS (F: 31.4) (XR: 122.6)

Staff report dated May 30, 2000, was introduced.

RESOLUTION NO. 8281-00

It was moved by Councilman Chung, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Resolution No. 8281-00 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DESCRIBING ANY PROPOSED NEW IMPROVEMENTS OF ANY SUBSTANTIAL CHANGES IN EXISTING IMPROVEMENTS IN MAIN STREET ASSESSMENT DISTRICT NO. 1, AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF THE CHAPTER 1 OF THE ACT, be and hereby is adopted.

AWARD OF CONTRACT FOR LAMPSON AVENUE STORM DRAIN (PHASE II) – PROJECT NO. 7412 (F: 92.PROJ.7412)

Staff report dated May 30, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that Ken Thompson, Inc., be and hereby is determined to be the lowest acceptable bidder in connection with the Lampson Avenue Storm Drain (Phase II), Project No. 7412; that contract for said project be and hereby is awarded to said company in the sum of \$659,000.00, 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.

SUBMITTAL OF TRANSPORTATION IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM (F: 36) (XR: 23.18)

Staff report dated May 30, 2000, was introduced.

RESOLUTION NO. 8282-00

It was moved by Councilman Chung, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8282-00 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE SUBMITTAL OF TRANSPORTATION IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING, be and hereby is adopted.

SUBMITTAL OF FUNDING REQUEST TO THE DEPARTMENT OF CONSERVATION DIVISION OF RECYCLING FOR RECEIPT OF FUNDS FOR BEVERAGE CONTAINER COLLECTION, RECYCLING, AND EDUCATION ACTIVITIES (F: 89.2)

Staff report dated May 30, 2000, was introduced.

RESOLUTION NO. 8283-00

It was moved by Councilman Chung, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Resolution No. 8283-00 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE SUBMITTAL OF A FUNDING REQUEST FORM TO THE DEPARTMENT OF CONSERVATION TO REQUEST AND RECEIVE FUNDS FOR BEVERAGE CONTAINER COLLECTION, RECYCLING, AND EDUCATION ACTIVITIES, be and hereby is adopted.

SECOND READING OF ORDINANCES NO. 2517 AND NO. 2518

It was moved by Councilman Rosen, seconded by Councilman Chung, and carried by unanimous vote, that full reading of Ordinances No. 2517 and No. 2518 be waived.

ORDINANCE NO. 2517 was presented for second reading and adoption and the title read in full entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING A NEPOTISM POLICY (F: 78.1) (XR: 78)

Councilman Dalton commented that the ordinance is discriminatory and politically motivated.

Councilman Leyes commented that the ordinance is a formal adoption of a policy that has been in place for 16 years.

Councilman Dalton commented that it is being selectively enforced at this time.

Councilman Leyes moved, seconded by Councilman Rosen, that Ordinance No. 2517 be and hereby is passed. Upon the following vote:

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| AYES: | COUNCILMEMBERS: (3) | LEYES, ROSEN, BROADWATER |
| NOES: | COUNCILMEMBERS: (2) | CHUNG, DALTON |
| ABSENT: | COUNCILMEMBERS (0) | NONE |

Said Ordinance No. 2517 was declared passed.

ORDINANCE NO. 2518 was presented for second reading and adoption and the title read in full entitled AN INITIATIVE MEASURE TO ENACT A CITY OF GARDEN GROVE ORDINANCE RESTATING CERTAIN PROVISIONS OF PROPOSITION 218 (F: 58.13) (XR: 58.9)

Councilman Dalton inquired whether the City Council can change this ordinance or whether it has to go to a vote of the people to be modified. The City Attorney commented that it has to go to a vote of the people.

Councilman Rosen commented that he thought the initiative had to go to a vote of the people the last time. The City Attorney commented that as he indicated previously, the Election Code is vague on the subject.

Councilman Leyes moved, seconded by Councilman Dalton, that Ordinance No. 2518 be and hereby is passed. Upon the following vote:

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

Said Ordinance No. 2518 was declared passed.

REQUEST FROM GARDEN GROVE CHAMBER OF COMMERCE FOR USE OF THE COUNCIL CHAMBER FOR CANDIDATES NIGHT FORUM ON OCTOBER 2, 2000.
(F: 48.4)

The City Manager noted that this item was continued from the Council meeting of May 9, 2000.

Mayor Broadwater commented that right now the Council Chamber is available for the night of October 2. However, if there are too many candidates for the Council Chamber, the request would have to be reconsidered to allow use of the "A" Room.

It was moved by Councilman Chung, seconded by Councilman Dalton, and approved by unanimous vote, that the Garden Grove Chamber of Commerce is approved for the use of the Council Chamber for a Candidates Night Forum on October 2, 2000.

TELEVISIONING OF ORAL COMMUNICATIONS (F: 53.3) (XR: 127.4)

Councilman Dalton commented that Oral Communication should be on television. The Council should be held accountable, and not televising Oral Communication is a form of censorship. He indicated that people have a right to say what they want and have a right to be heard.

Councilman Rosen commented that he voted to adopt the present policy, and it has come back and forth over several years. He commented that there is no happy solution. He noted that the ordinance that was passed last year does not state that Oral Communication is to be televised. The Mayor has the discretion. Televising Oral Communication does have an effect on how people conduct themselves. He noted that anyone who would like to communicate with the City Council can call at any time. He indicated that because of the Brown Act, the Council can only conduct business at the Council meetings. He noted that other cities begin their meetings at 2 p.m. Garden Grove does not do that. He commented that people do act to the camera, and it has the effect of extending the meetings.

Councilman Dalton commented that cost is a factor with the staff that is present at the meetings. He noted that there are people who are not able to get to the City Council meetings, and they have a right to hear what is being said. He indicated that he did not care where Oral Communications is placed on the agenda, but people have a right to see that portion.

Councilman Leyes commented that there is no absolute right to televise meetings. He noted that it is not censorship. He indicated that the only way

he could support having Oral Communications on television is to put it at the end, and people can turn off their televisions.

Mayor Broadwater commented that the Brown Act was passed by the State Legislature and states that everyone has the right to address forms of government. People have a right to speak on actions by the Council. He feels that placing Oral Communications at the end is illegal. There is a certain group of individuals who like to beat up on the City Council. He is in favor of the way it is now listed on the agenda.

Councilman Chung commented that the Council handles the agenda very efficiently. Antagonism is very hurtful to the City Council and the leadership. There has to be a compromise.

Councilman Rosen was in favor of a Council open session that would be televised and held like a town meeting when people could comment on any issue and the City Council would respond.

Councilman Chung commented that people at home like to watch television, and they like to hear people whether they agree with their opinions or not.

Councilman Dalton commented that it is not a matter of someone calling the Council at home. People want to see what other people have an opinion on in the community. The Council knows that they are accessible.

Councilman Dalton moved, seconded by Councilman Chung, that Oral Communication be televised. The motion failed to carry upon the following vote:

| | | |
|---------|---------------------|--------------------------|
| AYES: | COUNCILMEMBERS: (2) | CHUNG, DALTON |
| NOES: | COUNCILMEMBERS: (3) | LEYES, ROSEN, BROADWATER |
| ABSENT: | COUNCILMEMBERS (0) | NONE |

COMMENTS REGARDING FLOOD INSURANCE

Councilman Rosen commented regarding a meeting he attended on flood insurance. He advised people to call the Planning Division to find out if they are in a flood zone, because insurance payments are due by June 13 and will increase after that date.

RECESS:

At 9:58 p.m. Mayor Broadwater declared a recess.

ADJOURNED TO CLOSED SESSION:

At 9:58 p.m. the meeting was adjourned to Closed Session, under the Brown Act, and it was announced that pursuant to Government Code Section 54957.6, the City Council will meet with its negotiator on labor relations, including the status of labor negotiations with the Garden Grove Police Association. Present in Closed Session were Mayor Broadwater and all Councilmembers, the City Manager, George Tindall; Deputy City Manager, Catherine Standiford; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; and Public Works Director, Les Jones.

RECONVENE

At 10:49 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance; and it was announced that the matter previously announced was discussed and no others.

ADJOURNMENT

At 10:50 p.m., the meeting was declared adjourned


PRISCILLA STIERSTORFER
DEPUTY CITY CLERK

cc0530