

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, April 23, 2002, at 7:15 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/Public Works Director, Les Jones; Community Services Director, Cal Rietzel; Controller, Anthony Andrade; Fire Chief, Cameron Phillips; Personnel Services Director, Steve Larson; Real Property Agent, Armando Morales; City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

Assistant City Manager Les Jones gave the Invocation. Councilman Tran led the Pledge of Allegiance to the Flag of the United States of America.

PRESENTATION - COMMUNITY SPOTLIGHT

Mayor Broadwater introduced Rally the Raccoon, Community Services' new official mascot, noting that he will be greeting those attending the Character Counts picnic on Saturday at Atlantis Park. (F: 52.3) (XR: 87.1)

ORAL COMMUNICATIONS – PUBLIC

Eileen Jurak addressed the Council, alleging CC&R violations by Lakeside Condominium Homeowner's Association.

Mayor Broadwater advised Ms. Jurak to take her complaint to the Superior Court. (F: 53.3)

Al Snook and Craig Durfey addressed the Council and spoke about Autism Month and the recognition the Parents for the Rights of Developmentally Disabled Children have received for their tireless efforts. (F: 53.3)

Sylvia Hernandez, representing the Volunteer Center of Orange County, addressed the Council, providing information about their organization and noting that May is Senior Appreciation Month. (F: 53.3)

Beverly Hoyer, Julie Lyle, Venae Valentin, Joanne Roh, Jenae Wilson, Tina Nguyen, Mark Davies, and Lucille Tambara addressed the Council, requesting a crossing guard for the intersection of Newland Street and Trask Avenue for the safety of children attending Iva Meairs Elementary School, which is part of the Westminster School District. The intersection is in the city of Garden Grove. A communication from the Principal of Iva Meairs School, Lucille Tambara, was submitted for the record, providing information obtained from both Garden Grove and Westminster police reports relative to traffic incidents in that area.

Councilman Rosen suggested the Traffic Commission look at this intersection. He also requested information about other intersections in that area, noting that the Lowes and WalMart businesses there have undoubtedly resulted in an increased traffic count.

The City Manager indicated staff will contact both Westminster School District and the Garden Grove Unified School District and will expedite this matter to our Traffic Commission for investigation.

Mayor Broadwater suggested that the Westminster Traffic Commission should also be contacted about this. (F: 53.3) (XR: 78.8) (XR: 122.11) (XR: 90.5) (XR: 90.1)

Martin Lemire addressed the Council, extending his appreciation for the recent cleanup at the park located at Haster and Lampson. Additionally, he expressed concern about reduced water pressure at his residence on Anzio Street, and about potholes and uneven paving on Lewis Street between Chapman Avenue and Garden Grove Boulevard.

Mayor Broadwater advised Mr. Lemire that staff would check out his water pressure and the condition of Lewis Street. (F: 53.3) (XR: 24.12)

Tony Flores addressed the Council alleging the Mayor violated various Government Code Sections and failed to report a trip to New York on his Form 700. He submitted a copy of the various codes allegedly violated by Mayor Broadwater. (F: 53.3)

RECESS

At 8:00 p.m., the Mayor declared a recess.

RECONVENE

At 8:25 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

PROCLAMATION – SCHOOL PSYCHOLOGY WEEK (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that April 22-26, 2002, be and hereby is proclaimed as School Psychology Week.

PROCLAMATION – NATIONAL ARTHRITIS AWARENESS MONTH (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that May 2002, be and hereby is proclaimed as National Arthritis Awareness Month.

PROCLAMATION – WATER AWARENESS MONTH (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that May 2002, be and hereby is proclaimed as Water Awareness Month.

PROCLAMATION – VETERAN APPRECIATION MONTH (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that May 2002, be and hereby is proclaimed as Veteran Appreciation Month.

PROCLAMATION – FOOD DRIVE DAY (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that May 11, 2002, be and hereby is proclaimed as Food Drive Day.

ADOPTION OF NEGATIVE DECLARATION FOR PROJECT NO. 7239, STREET WIDENING IMPROVEMENTS ON HARBOR BOULEVARD AT BANNER DRIVE (F: 96.proj.7239)

Staff report dated April 23, 2002, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that a Negative Declaration for Project No. 7239, Street Widening Improvements on Harbor Boulevard at Banner Drive, be and hereby is adopted with a finding that this project will have a De Minimis impact on fish and game.

PROJECTS NO. 7388 AND NO. 7244, TWINTREE/HASTER STORM DRAIN AND GARDEN GROVE BOULEVARD SEWER IMPROVEMENTS – PLANS AND SPECIFICATIONS (F: 92.proj.7388) (XR: 92.proj.7244)

Staff report dated April 23, 2002, was introduced.

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

RENEWAL OF LEASE AGREEMENT WITH THE RETAIL PROPERTY TRUST FOR A ONE STOP CENTER OUTSTATION IN THE WESTMINSTER MALL (F: 55)
(XR: 78.4a)

Staff report dated April 23, 2002, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the Lease Agreement by and between the Retail Property Trust and the City of Garden Grove, for the purpose of maintaining a One Stop Center Outstation in the Westminster Mall in order to offer business opportunities, job development, and recruitment for Welfare to Work and Workforce Investment Act clients, be and hereby is renewed; and the City Manager, or his designee, and the City Clerk are authorized to execute the agreement.

FINAL MAP, BONDS, AND AGREEMENT – TRACT NO. 16275 (F: 116.PUD-140-01)
(XR: 103.TT-16275) (XR: 20.GPA-4-01A) (XR: 116.SP-295-01) (XR: 111.V-286-01)
(XR: 106-120)

Staff report dated April 23, 2002, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that Final Tract Map No. TR 16275, initiated by Euclid Estates Group I, LLC (Brandywine Development Corporation), for property located on the west side of Euclid Street between Allen Drive and Palmyra Avenue, along with Bonds and Agreement on said Tract, be and hereby are approved and accepted; and the Mayor and City Clerk are authorized to execute the documents.

GRANT DEED AND PURCHASE AGREEMENT (F: 96.proj.7257) (XR: 84.1)

Staff report dated April 23, 2002, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that Grant Deed and Purchase Agreement for acquisition of real property located at 12001 Haster Street and owned by Sergio, Rufina and Jorge Rocha, for Project No. 7257, Chapman/Haster Intersection Improvement, be and hereby are approved; the City Manager and City Clerk are authorized to accept the Grant Deed and execute the Purchase Agreement; and the Controller is authorized to draw a warrant in the amount of \$249,000.00, when appropriate to do so.

AWARD OF PURCHASE – HIGH-DENSITY MOBILE FILE STORAGE SYSTEM FOR THE NEW HOUSING AUTHORITY OFFICE (F: 55) (XR: 60.4) (XR: 87.10)

Staff report dated April 23, 2002, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that a purchase order for a high density mobile file storage system for the new Housing Authority office, be and hereby is awarded to the lowest qualified bidder, Consolidated Office Systems of Yorba Linda, in the amount of \$25,840.42.

AWARD OF PURCHASE – CARPETING AND VINYL TILE FLOORING FOR THE NEW HOUSING AUTHORITY OFFICE (F: 60.4) (XR: 87.10)

Staff report dated April 23, 2002, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that a purchase order for carpeting and vinyl tile flooring for the new Housing Authority office, be and hereby is awarded to the lowest qualified bidder, Dupont Flooring Systems of Fullerton, in the amount of \$15,575.00.

MINUTES (F: Vault)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the minutes of Regular City Council Meetings held February 12 and February 26, 2002, 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 262104 through 262645 and payroll warrants 118955 through 119244, Direct Deposits D60309 through D61360, and wires W587 through W590, which have been audited for accuracy and availability of funds by the Controller, be and hereby are approved.

PROCLAMATION – MUNICIPAL CLERKS WEEK (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that April through May 4, 2002, be and hereby is proclaimed as Municipal Clerks Week.

HEARING OF PROTESTS ON THE SPRING 2002 WEED ABATEMENT NOTICES (F: 113.1.Spring 2002)

Staff report dated April 23, 2002, was introduced.

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

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

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that staff be and hereby is directed to proceed with the Spring 2002 Weed Abatement

PUBLIC HEARING TO CONSIDER ENTERING INTO AN ENERGY SERVICES CONTRACT WITH CMS VIRON-ENERGY SERVICES FOR ENERGY RETROFITS FOR CITY FACILITIES; AND A LEASE PURCHASE AGREEMENT FOR THE FINANCING OF THE EQUIPMENT (F: 55) (XR: 33.6)

Staff report dated April 23, 2002, was introduced, and staff provided background information concerning this item.

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

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

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and CMS Viron Energy Services, to perform an Energy Efficient Retrofit Program for City Facilities, be and hereby is approved; the leasing documents with Municipal Finance Corporation be approved; and the City Manager or his designee, and the City Clerk are authorized to execute the appropriate documents.

RESOLUTION NO. 8422-02

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8422-02 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR AN ENERGY EFFICIENCY LOAN FROM THE CALIFORNIA ENERGY COMMISSION TO IMPLEMENT ENERGY EFFICIENCY MEASURES, be and hereby is adopted.

RESOLUTION NO. 8423-02

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8423-02 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING CERTAIN

ENERGY CONSERVATION MEASURES AUTHORIZING THE EXECUTION OF AGREEMENTS, SIGNATORIES AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH, be and hereby is adopted.

SUBMITTAL OF REQUEST TO THE CALIFORNIA DEPARTMENT OF CONSERVATION FOR FUNDING FOR BEVERAGE CONTAINER COLLECTION, RECYCLING, AND LITTER ABATEMENT ACTIVITIES (F: 24.1) (XR: 97.1.96)

Staff report dated April 23, 2002, was introduced.

RESOLUTION NO. 8424-02

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8424-02 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING THE SUBMITTAL OF A FUNDING REQUEST FORM TO THE DEPARTMENT OF CONSERVATION TO REQUEST AND RECEIVE FUNDS FOR BEVERAGE CONTAINER COLLECTION, RECYCLING, AND LITTER ABATEMENT ACTIVITIES, be and hereby is adopted.

INITIATION OF PROCEEDINGS FOR LEVYING OF 2002/2003 ASSESSMENTS FOR STREET LIGHTING DISTRICT, STREET LIGHTING DISTRICT NO. 99-1, AND PARK MAINTENANCE DISTRICT (F: 69.2.FY 2002-2003)

Staff report dated April 23, 2002, was introduced, and staff indicated that in order to continue the lighting of streets and the maintenance of parks at the current service levels for the benefit of the city's property owners, it is necessary to initiate the proceedings of levying annual assessments under the Landscaping and Lighting Act of 1972. The apportionment of costs is updated and distributed in proportion to the benefit received.

The City Manager noted that Ms. Joan Cox from Harris & Associates, is present to answer any questions the Council might have.

RESOLUTION NO. 8425-02

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Resolution No. 8425-02 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) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2002-03 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT AND ORDERING THE ENGINEER TO PREPARE AND FILE A

REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted.

RESOLUTION NO. 8426-02

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Resolution No. 8426-02 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) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2002-03 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted.

RESOLUTION NO. 8427-02

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Resolution No. 8427-02 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 (SECTION 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2002-03 FISCAL YEAR FOR THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted.

RESOLUTION NO. 8428-02

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8428-02 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE ENGINEER'S REPORTS REGARDING THE LEVY OF AN ANNUAL ASSESSMENT WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT, CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, AND THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2002-03, be and hereby is adopted.

RESOLUTION NO. 8429-02

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8429-02 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 (SECTION 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT FOR FISCAL YEAR 2002-03 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, setting public hearing date for May 28, 2002, be and hereby is adopted.

RESOLUTION NO. 8430-02

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8430-02 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 (SECTION 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2002-03 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, setting public hearing date for May 28, 2002, be and hereby is adopted.

RESOLUTION NO. 8431-02

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8431-02 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 (SECTION 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2002-03 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, setting public hearing date for May 28, 2002, be and hereby is adopted.

SECOND READING OF ORDINANCE NO. 2570 (F: 127.1) (XR: 78.1)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2570, be waived.

ORDINANCE NO. 2570 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 AMENDING SECTION 2.44.440 OF THE MUNICIPAL CODE RELATING TO THE CITY'S NEPOTISM POLICY

Councilman Rosen moved, seconded by Councilman Tran, that Ordinance No. 2570 be and hereby is passed. Upon the following vote:

AYES: COUNCILMEMBERS: (3) ROSEN, TRAN, BROADWATER
NOES: COUNCILMEMBERS: (1) LEYES
ABSENT: COUNCILMEMBERS: (0) NONE
ABSTAIN COUNCILMEMBERS: (1) DALTON

said Ordinance No. 2570 was declared passed.

STATUS REPORT REGARDING SOUND WALLS ON THE 22 FREEWAY (F: 120.1)

The Assistant City Manager/Public Works Director provided a status report, noting the project continues to move forward in a timely manner.

ADJOURNMENT

At 8:45 p.m., the meeting was declared adjourned in memory of Mrs. Lillian Ansell, long-time Garden Grove resident and former owner of The Jolly Knight Restaurant. (F: 46.9)



RUTH E. SMITH
CITY CLERK

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