

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, January 11, 2000, at 6:51 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; Redevelopment Manager, Susan Emery (representing Community Development Director); Community Services Director, Cal Rietzel; Fire Chief, Cameron Phillips; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; Public Works Director, Les Jones; Real Property Manager, Armando Morales; City Attorney, John Shaw; and City Clerk, Ruth Smith.

ORAL COMMUNICATIONS - PUBLIC

James Lyle addressed the Council, referencing a recent article in the Register newspaper concerning a revised flood map that has been issued, urging Council to follow up on this to relieve residents from having to pay the high flood insurance rates they are currently paying.

The City Manager indicated that staff will get information on this and provide Council with a report. He noted that the city is out of danger from the Santa Ana River; however, the Orange County Flood Control System is still inadequate. (F: 53.3) (XR: 92.4)

RECESS

At 6:58 p.m., the Mayor declared a recess.

RECONVENE

At 7:06 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

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 Chung.

PRESENTATION

Nick Van Hog Lood, Brian Zing, and Natalie Daniels, representatives from the Pepsi Cola Bottling Group, presented Pepsi hats to the Councilmembers and staff. Mr. Van Hog Lood indicated that they are very pleased with their partnership with Garden Grove. They presented to the City of Garden Grove the first annual installment of \$100,000.00, noting that they are looking forward to the next ten years as a corporate sponsor with the City. (F: 55)

RECESS

At 7:12 p.m., the Mayor declared a recess.

RECONVENE

At 7:26 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

REORGANIZATION OF THE CITY COUNCIL (F: 46.1)

Councilman Leyes moved, seconded by Mayor Broadwater, for purposes of discussion, that Mayor Pro Tem Chung be reappointed as Mayor Pro Tem.

Mayor Broadwater indicated that he previously supported Councilman Chung for the position of Mayor Pro Tem because Councilman Chung had not been Mayor Pro Tem for a full year. Mayor Broadwater added, however, that he would now like to recommend Councilman Dalton for this position, and he withdrew his second. The previous motion then died for lack of a second.

It was moved by Mayor Broadwater, seconded by Councilman Chung, and carried by unanimous vote, that Councilman Bill Dalton be and hereby is selected as Mayor Pro Tem.

Mayor Broadwater expressed his appreciation for the Council's support in this matter.

AMENDED PLAN DOCUMENTS FOR CITY'S FLEXIBLE BENEFIT PROGRAM AGREEMENT (F: 78.12)

Staff report dated January 11, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the Amended Plan Documents for the City's Section 125 Flexible Benefit Program, be and hereby are approved and adopted; and the City Manager is authorized to execute the documents.

TRAINING CONFERENCE ATTENDANCE - PERSONNEL DEPARTMENT (F: 78.4)

Staff report dated January 11, 2000, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that one West Orange County One Stop Center Manager be and hereby is authorized to attend the Performance Accountability Conference sponsored by the Department of Labor Training & Employment Administration, to be held in Orlando, Florida, January 19-21, 2000.

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 July 13 and July 27, 1999, and Adjourned Regular Meeting held July 30, 1999, 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 208085 through 209262 and wires W34 and-W35; and payroll warrants 94372 through 95042, Direct Deposits D31037 through D31888, and wire W299 through W304, which have been audited for accuracy and availability of funds by the Controller, be and hereby are approved.

HEARING OF PROTESTS ON THE FALL 1999 WEED ABATEMENT INVOICES - RESOLUTION NO. 8247-00 (F: 113.Fall 1999)

Staff report dated January 11, 2000, 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.

Councilman Leyes noted that there are only nine parcels listed, and none of the owners live in Garden Grove, which speaks well for our community.

RESOLUTION NO. 8247-00

Councilman Rosen moved, seconded by Councilman Dalton, that full reading of Resolution No. 8247-00 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING THAT A NUISANCE EXISTS IN CONNECTION WITH THE EXISTENCE OF WEEDS, RUBBISH, AND REFUSE ON CERTAIN PROPERTIES WITHIN THE CITY OF GARDEN GROVE AND AUTHORIZING THE CITY CLERK TO MAIL A WRITTEN NOTICE OF THE NUISANCE(S) IN ACCORDANCE WITH THE PROVISIONS OF GOVERNMENT CODE SECTION 39566 AND 39567, be and hereby is adopted. Upon the following vote:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON, LEYES, ROSEN,
BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

said Resolution No. 8247-00 was declared adopted.

PUBLIC HEARING - APPEAL ON CONDITIONAL USE PERMIT NO. CUP-138-87
(F: 51.CUP-138-87)

Appeal on Conditional Use Permit No. CUP-138-87, filed by the business owner, to allow the La Mer Bar to operate under a State Alcoholic Beverage Control Type "42" License (On-Sale Beer and Wine, Public Premise). The subject property is located in the Community Center Specific Plan District Commercial (CCSP-DC) zone on the south side of Garden Grove Boulevard, west of Benton Street, at 10662 Garden Grove Boulevard.

The City Planning Commission, pursuant to Resolution No. 5054, revoked CUP-138-87 on November 3, 1999. Appeal from the action taken by the Planning Commission was filed, and pursuant to Legal Notice published December 30, 1999, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated January 11, 2000, was introduced, and staff reviewed the background information on this matter and the points of appeal filed by Yong N. Fenn dba La Mer Bar.

Police Investigator Johnson, in response to an inquiry from Mayor Broadwater, noted that the Alcoholic Beverage Control (ABC) is also involved in the investigation and have indicated they are filing for revocation of the ABC license. He noted they will not process any change of ownership until the case has been heard in Sacramento, which could be up to six months.

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

Rick Blake, attorney for the appellant, Ms. Yong Fenn, addressed the Council, noting they have reviewed the police reports and are not denying the charges, violations or offenses. However, they believe the Planning Commission acted unnecessarily and unreasonably punitive in revoking the CUP, noting they believe this action was not necessary to accomplish the City's goals.

He suggested an alternative, being not to revoke the Conditional Use Permit and penalize the landlord or the business operator, but instead to continue the matter for 30 to 45 days or send it back to staff with the condition that the current operator immediately cease doing business; and if a resolution is negotiated with ABC, the business can be transferred to a third party. He noted there is a Mexican restaurant on Katella Avenue whose owner has expressed an interest in moving to this location to take over the lease obligations. They would operate a Mexican style bar with food, and they will remove the dance floor and all the enclosed tables and seating areas. He also noted that he believes the matter can be resolved with ABC.

The Mayor inquired how long the current operator has had the business. Mr. Blake indicated that the current operator has had the business for about eight years.

Councilman Rosen asked if Ms. Yong Fenn has been the manager the entire time. Mr. Blake responded that she was the manager up until about the last year, when her ex-husband began managing it; however, he is no longer managing the business. He further indicated that there presently is virtually no business there because all activity has been ceased.

Councilman Rosen asked if the current owner were to assign the lease to someone else, and that person wanted to open a Mexican restaurant and serve alcohol there, could he apply for a CUP. The City Attorney indicated the existing CUP could be taken over by the new owner as long as it was not

revoked and the lease was assigned. However, if the CUP is revoked, he could not apply for a new CUP because the zoning would prohibit it as it would be a nonconforming use.

In response to a question from Councilman Leyes, Mr. Blake indicated there is no pending criminal case against the owner; however, there is one pending against her ex-husband and seven other people who were in and around the premises. He also noted that the business is currently operating with reduced hours; however, not under the previous management. He indicated that for some time prior to this incident Ms. Fenn had only been at the business off and on, as her ex-husband was operating it on a day-to-day basis.

In response to a question from Councilman Rosen, Mr. Blake noted that it is his understanding that Ms. Fenn's ex-husband set the employment policies at the bar.

In response to a question from Councilman Leyes, staff noted that what ABC does and what the City does are two different things.

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

Councilman Dalton noted that there were quite a few illegal activities taking place at this location, including prostitution and soliciting. He further noted that if the customers had been there primarily to socialize and have drinks, the mere fact that all of the illegal activities were stopped would not have cut down on the amount of business taking place.

Mayor Broadwater asked what the arrests were for. Investigator Johnson noted that the nine people arrested were employees, and the charges were running a house of ill fame, prostitution, nudity, employing someone to solicit drinks; and an employee soliciting drinks. Mayor Broadwater commented that there was an extremely large number of employees for such a small bar.

Councilman Leyes noted that an unfortunate consequence is since this is a small building on a small lot, the bar will become a non-conforming use and will probably have to be consolidated with another parcel should the CUP be revoked.

Councilman Rosen noted that no one showed up at either the Planning Commission or this hearing to deny the accusations. He indicated that not only has the CUP been violated, but State law as well, and there is no indication this activity would have stopped had there not been the criminal charges brought.

RESOLUTION NO. 8248-00

Councilman Dalton moved, seconded by Councilman Rosen, that full reading of Resolution No. 8248-00 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S REVOCATION OF CONDITIONAL USE PERMIT NO. CUP-138-87, FOR LAND LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF BENTON STREET, AT 10662 GARDEN GROVE BOULEVARD, PARCEL NUMBER 099-052-39, be and hereby is adopted. Upon the following vote:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON, LEYES, ROSEN,
BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

said Resolution No. 8248-00 was declared adopted.

RECESS

At 8:07 p.m., the Mayor declared a recess.

RECONVENE

At 8:18 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

RESPONSE TO CABLE RATE INCREASE BY TIME WARNER (F: 95.6)

Staff report dated January 11, 2000, was introduced.

The City Manager noted that the City Council has no real authority to change the rates that Time Warner sets inasmuch as they have complied with the Federal law relative to the basic tier rates.

Councilman Rosen commented that according to the report the Council received last year at this time, Time Warner had overcharged by eight cents in 1998, and that was supposed to be built into these rates, in addition to the interest.

Kristy Hennessey, representing Time Warner, addressed the Council, indicating that she will check with their accounting department to see if that was calculated in and will report back.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that this matter be continued to the meeting of January 25, 2000, for verification of whether the rates include repayment on the interest.

RELOCATION PLAN FOR THE ARROYO VISTA APARTMENTS PROJECT, LOCATED ON THE EAST SIDE OF HASTER STREET, GENERALLY NORTH OF LAMPSON AVENUE (F: A-48.21) (XR: A-55.225)

Staff report dated January 11, 2000, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the Relocation Plan for the Arroyo Vista Apartments Project, located on the east side of Haster Street, generally north of Lampson Avenue, be and hereby is adopted.

SECOND READING OF ORDINANCES NO. 2501, NO. 2502, NO. 2503, AND NO. 2504 (F: 116.PUD-131-99) (F: 106.97) (F: 116.PUD-132-99) (F: 106.98)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinances No. 2501, No. 2502, No. 2503, and No. 2504 be waived.

ORDINANCE NO. 2501 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 APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-131-99, CHANGING THE ZONING DESIGNATIONS FROM C-1 (NEIGHBORHOOD COMMERCIAL) AND R-3 (MULTIPLE FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-131-99, FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF GARDEN GROVE BOULEVARD AND NEWLAND STREET, AT 8666 AND 8702 GARDEN GROVE BOULEVARD, PARCEL NOS. 097-222-04 & 27 (F: 116.PUD-131-99)

Councilman Leyes moved, seconded by Councilman Rosen, that Ordinance No. 2501 be and hereby is passed. Upon the following vote:

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

said Ordinance No. 2501 was declared passed.

ORDINANCE NO. 2502 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 ADOPTING A DEVELOPMENT AGREEMENT BETWEEN BRANDYWINE DEVELOPMENT CORPORATION AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF GARDEN GROVE BOULEVARD AND NEWLAND STREET, AT 8666 AND 8702 GARDEN GROVE BOULEVARD, PARCEL NOS. 097-222-04 & 27 (F: 106.97)

Councilman Leyes moved, seconded by Councilman Rosen, that Ordinance No. 2502 be and hereby is passed. Upon the following vote:

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

said Ordinance No. 2502 was declared passed.

ORDINANCE NO. 2503 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 APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-132-99, CHANGING THE ZONING DESIGNATION FROM R-3 (MULTIPLE FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-132-99, FOR PROPERTY LOCATED ON THE NORTH SIDE OF LAMPSON AVENUE, WEST OF MAGNOLIA STREET, AT 8933 LAMPSON AVENUE, PARCEL NOS. 133-201-47, 48, 49 & 20 (F: 116.PUD-132-99)

Councilman Chung moved, seconded by Councilman Leyes, that Ordinance No. 2503 be and hereby is passed. Upon the following vote:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON, LEYES, ROSEN,
BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

said Ordinance No. 2503 was declared passed.

ORDINANCE NO. 2504 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 ADOPTING A DEVELOPMENT AGREEMENT BETWEEN BRANDYWINE DEVELOPMENT CORPORATION AND THE

CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE NORTH SIDE OF LAMPSON AVENUE, WEST OF MAGNOLIA STREET, AT 8933 LAMPSON AVENUE, PARCEL NOS. 133-201-47, 48, 49 & 20 (F: 106.98)

Councilman Chung moved, seconded by Councilman Leyes, that Ordinance No. 2504 be and hereby is passed. Upon the following vote:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON, LEYES, ROSEN, BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

said Ordinance No. 2504 was declared passed.

APPOINTMENT OF REPRESENTATIVE TO THE ORANGE COUNTY VECTOR CONTROL DISTRICT BOARD (F: 23.20) (VIP)

It was noted that this matter was continued from the meeting of December 14, 1999.

It was moved by Mayor Broadwater, seconded by Councilman Dalton, and carried by unanimous vote, that Larry Callahan be and hereby is reappointed as the City's representative to the Orange County Vector Control District Board.

ANNOUNCEMENT PERTAINING TO YEAR OF THE CENSUS (F: 39.1)

Councilman Dalton commented that this is the year of the census, and there are offices in Garden Grove currently hiring bilingual individuals for temporary employment to conduct this very important process.

REQUEST FOR INFORMATION CONCERNING THE FURNITURE TRADING COMPANY

Councilman Dalton requested a report from staff concerning the Furniture Trading Company, noting that a letter was sent to them on December 9, 1999, advising them of their deficiencies in meeting certain obligations of their commercial rehabilitation agreement.

ANNOUNCEMENT PERTAINING TO SERIES OF TOWN HALL MEETINGS ON
BEHALF OF THE PROPOSED EL TORO AIRPORT (F: 117.7)

Councilman Rosen indicated that the City of Garden Grove has taken the lead in supporting the airport at El Toro. He noted that a series of Town Hall Meetings will be held in the Garden Grove Community Meeting Center, the first of which will be on Wednesday, January 19, and he urged the public to attend.

ADJOURN TO CLOSED SESSION

At 8:37 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 on labor relations. Additionally, pursuant to Government Code section 54956.9, the City Council will meet with its legal counsel to review the status of Superior Court Case No. 818736. Present in Closed Session were Mayor Broadwater and all Councilmembers, City Manager, George Tindall; Deputy City Manager, Catherine Standiford, City Attorney John Shaw; and Personnel Services Director, Steven Larson.

RECONVENE

At 9:24 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance, and it was announced that the matters previously disclosed were discussed and no others.

ADJOURNMENT

At 9:25 p.m., the meeting was declared adjourned in memory of Ellen Covey, Fire Department Safety Education Specialist.



RUTH E. SMITH
CITY CLERK