

ORDINANCE NO. 2755

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
AMENDING TITLE 2, CHAPTER 32 OF THE GARDEN GROVE MUNICIPAL CODE
RELATING TO THE PARKING AND MAIN STREET COMMISSION AND MAKING
CERTAIN RELATED FINDINGS

City Attorney Summary

This Ordinance modifies the provisions of the Garden Grove Municipal Code relating to the City's Parking and Main Street Commission to eliminate Commission responsibilities with regard to the City's Vehicle Parking District No. 2 as that Vehicle Parking District is concurrently being dissolved pursuant to a separate Ordinance of the City Council.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DETERMINES AND ORDAINS AS FOLLOWS:

WHEREAS, pursuant to separate Ordinance No. 2754 of even date herewith the City Council of the City of Garden Grove (City Council) has dissolved, discontinued, and disestablished Vehicle Parking District No. 2 in the City of Garden Grove; and

WHEREAS, in connection with such dissolution, discontinuance, and disestablishment of Vehicle Parking District No. 2 it is necessary to amend and restate Title 2, Chapter 32 of the Garden Grove Municipal Code to remove provisions referencing Division 18, Part 1, Section 31500, et seq. of the Streets and Highways Code and the Board of Parking Place Commissioners provided for therein; and

WHEREAS, the California Environmental Quality Act, Public Resources Code Sections 21000, et seq. (CEQA), and its implementing guidelines, Title 14 California Code of Regulations Sections 15000, et seq. (Guidelines) provide for categorical exemptions; specifically, Section 15061, Review for Exemption, provides that after a preliminary review a public agency may determine that a project is exempt from the provisions of CEQA; and

WHEREAS, in connection with the proceedings and Ordinance dissolving, discontinuing, and disestablishing Vehicle Parking District No. 2, the City Council determined and found that such proceedings, including this amendment of Title 2, Chapter 32, were exempt pursuant to Section 15320(c) in that such proceedings constitute "changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to: ... (c) Merger with a city of a district lying entirely within the boundaries of the city."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DETERMINES AND ORDAINS AS FOLLOWS:

1. Recitals. The foregoing recitals and findings are true and correct and are a substantive part of this Ordinance.

2. Prior Determination of Categorical Exemption under CEQA.
The City Council determines that its prior finding of categorical exemption pursuant to Section 15320(c) of the Guidelines in its Ordinance dissolving, discontinuing, and disestablishing Vehicle Parking District No. 2 satisfies the requirements of CEQA and this Ordinance is consistent with and falls within the scope of that prior determination and action; therefore, no additional CEQA analysis is required in connection with this Ordinance.

3. Amendment and Restatement of Title 2, Chapter 32. Chapter 32 of Title 2 of the Garden Grove Municipal Code is hereby amended and restated in its entirety to read as follows:

"CHAPTER 32: MAIN STREET COMMISSION

SECTION 2.32.010: Authority

The regulations contained in this Chapter are prescribed by the City pursuant to authority provided in Title 4, Division 3, Part 2, Chapter 5 of the California Government Code, in particular Section 37361, et seq., relating to the provision of places, buildings, structures, works of art, and other objects, having a special character or special historical or aesthetic interest or value, special conditions or regulations for their protection, enhancement, perpetuation or use, which may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both, and the Landscaping and Lighting Act of 1972, Division 15, Part 2, California Streets and Highways Code, Section 22500, et seq.

There exists that certain Main Street Assessment District No. 1 established pursuant to the Landscaping and Lighting Act of 1972, Division 15, Part 2, California Streets and Highways Code, Section 22500, et seq. (Main Street District).

SECTION 2.32.020: Created - Membership

The "Main Street Commission for the Main Street District" is established and shall be referred to as the "Main Street Commission." The Main Street Commission shall consist of seven (7) members. The membership shall consist of at least six (6) property owner(s) and/or tenant(s) of business(es) within the Main Street District. One (1) member may be a member-at-large.

SECTION 2.32.030: Appointment Process

Pursuant to California Government Code Section 40605, Members of the Main Street Commission shall be appointed by the Mayor, subject to approval by the City Council.

SECTION 2.32.040: Term of Office

The term of office of the Members of the Main Street Commission shall be from the date of appointment to the date of the first meeting of the City Council following each regular municipal election. Members shall hold office until they resign, are removed, or their successors are named and take office.

SECTION 2.32.050: Chairman and Vice-Chairman

At the first Regular Meeting after January 1st each year, the Members of the Main Street Commission shall select from their membership a Chairman and a Vice-Chairman to serve one-year terms.

SECTION 2.32.060: Removal

Members of the Main Street Commission may be removed by the City Council by a four-fifths (4/5) vote at any time.

SECTION 2.32.070: Compensation

The Members of the Main Street Commission shall serve without compensation.

SECTION 2.32.080: Meetings Times - Quorum

The Main Street Commission shall meet on a bi-monthly basis. A majority of the regular Members of the Main Street Commission shall constitute a quorum.

SECTION 2.32.090: Advisory Commission; Duties

The Main Street Commission is an advisory body; the duties of the Main Street Commission shall be as follows:

- a. Review proposed building design plans and site plans; and make recommendations to the Planning Commission and the Agency for Community Development, as appropriate, relative to the approval, denial, or modification of the plan based upon its conformance with the regulations and criteria of the Main Street Historical-Retail Combining Zone;

- b. Monitor the appearance of the buildings and grounds on Main Street to ensure that the revitalized and restored buildings are maintained in a proper and attractive way;
- c. Advise the City Council regarding the levy of annual assessments for the Main Street Assessment District No. 1 to provide for any proposed new improvements or any substantial changes in existing improvements and changes in level of maintenance from the previous year.

SECTION 2.32.100: Staff Assistance

The City Manager may designate an administrative staff member and any other staff members to provide staff assistance to the Main Street Commission as the City Manager deems appropriate."

4. City Clerk Certification and Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published as set forth below.

5. Posting of Ordinance. At least five (5) days prior to its final adoption, copies of this Ordinance shall be posted in at least three (3) prominent and public locations in the City; and a notice shall be published once in a newspaper of general circulation in the City of Garden Grove, setting forth the title of this Ordinance, the date of its introduction and the places where this Ordinance is posted. Within fifteen (15) days following final adoption, a summary of the Ordinance with the names of the Council Members and their votes shall be published in a newspaper of general circulation.

6. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each other section, subsection, subdivision, sentence, clause, phrase, word or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words, or portions thereof be declared invalid or unconstitutional.

7. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after passage.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____ 2009.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on July 28, 2009, with vote as follows:

AYES: COUNCIL MEMBERS: (4) BROADWATER, JONES, NGUYEN, DALTON
NOES: COUNCIL MEMBERS: (1) DO
ABSENT: COUNCIL MEMBERS: (0) NONE