

## 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 23, 2007, at 7:10 p.m.

ROLL CALL: PRESENT: (5) MAYOR DALTON, COUNCIL MEMBERS  
BROADWATER, DINA NGUYEN, JANET NGUYEN  
ROSEN

ABSENT: (0) NONE

#### INVOCATION AND PLEDGE

Assistant City Manager Les Jones gave the Invocation. Mayor Pro Tem Mark Rosen led the Pledge of Allegiance to the Flag of the United States of America.

#### PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3)

Mayor Dalton called forward Steve Haller and presented him with a plaque in recognition of his retirement from the City, concluding an exemplary 32-year career in the Public Works Department.

#### PRESENTATIONS (F: 67.6)

Townsend Public Affairs provided a power point presentation on past activities and future opportunities related to ongoing lobbying services for the City. They recommended that a City Council delegation go to Washington, D.C. in February for lobbying efforts.

#### ORAL COMMUNICATIONS - PUBLIC

David Vill addressed the City Council on behalf of AARP, urging the banning of fireworks in the community. He spoke of the need to have dialogue on this issue. (F: 53.3) (XR: 61.6)

Michael Stene, Andrew Hopkins, and Chris Maggio addressed the City Council, requesting that a skate park/bike park be built in Garden Grove. (F: 53.3) (XR: 73.1)

Sharon Tanihara addressed the City Council, noting her opposition to permitting fireworks in the city. She urged the City Council to provide law enforcement with the regulations they have requested. (F: 53.3) (XR: 61.6)

Toby Burger addressed the City Council, commenting that it is not right to prohibit only skateboarders in the Harbor Boulevard area, and he suggested the City Council build a skate park instead so they have a place to go. (F: 53.3) (XR: 73.1)

Charles Mitchell addressed the City Council, asking that the agendas of all the City Commissions be placed on the City's web site. (F: 53.3) (XR: 122.1)

Joe Rodriguez addressed the City Council, commenting that the building of a skate park would be a good solution for the skateboarders and would be a benefit to the tourists coming here. He suggested a pedestrian awareness program be created relative to the Harbor Boulevard and Main Street areas. He spoke about the Lake Forest public skate park. (F: 53.3) (XR: 73.1)

Ray Littrell addressed the City Council about the City's ordinance relative to Commission/Committee appointments, indicating that it does not follow the Government Code regulations, and asked that City appointments be put off until after the February 6 election. (F: 53.3) (XR: 122.1)

Tony Flores addressed the City Council noting the same concerns as Mr. Littrell. He also spoke about the Townsend report and flooding concerns on the west side of City. He also suggested that the railroad right-of-way be looked at for a skate park. (F: 53.3) (XR: 67.6) (XR: 92.1) (XR: 73.1)

#### RECESS

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

#### RECONVENE:

At 8:22 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

PROPOSED 2007-2008 LEGISLATIVE PLATFORM (F: 67.5)

Staff report dated January 23, 2007, was introduced.

Council Member Rosen expressed concern with some of the items and requested the matter be continued for two weeks, which would be after the County Supervisor election is held.

Council Member Rosen moved, seconded by Council Member Broadwater, and carried by unanimous vote, that this matter be continued for two weeks.

MINUTES (F: Vault)

Council Member Rosen moved, seconded by Member Janet Nguyen, that the minutes of the Regular City Council Meeting held November 28, 2006, be and hereby are approved. Said motion carried by the following vote:

AYES: COUNCIL MEMBERS: (3) JANET NGUYEN, ROSEN, DALTON  
NOES: COUNCIL MEMBERS: (0) NONE  
ABSENT: COUNCIL MEMBERS: (0) NONE  
ABSTAIN: COUNCIL MEMBERS: (2) BROADWATER, DINA NGUYEN

WARRANTS (F: 60.5)

It was moved by Council Member Rosen, seconded by Council Member Janet Nguyen, and carried by unanimous vote, that regular warrants 378163 through 378695 and Wires W290-W291, and payroll warrants 149223 through 149390, Direct Deposits D131014 through D131608, and Wires W1169-W1172, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

HEARING OF PROTESTS ON THE FALL 2006 WEED ABATEMENT INVOICES  
(F: 113.FALL 2006)

Staff report dated January 23, 2007, 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 2006 Weed Abatement Program.

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

There being no protests received and no response from the audience or comments from Council Members, the public hearing was declared closed.

RESOLUTION NO. 8755-07

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Resolution No. 8755-07 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE CONFIRMING REPORT OF COSTS OF FALL 2006 WEED ABATEMENT AND DIRECTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD OUTSTANDING ASSESSMENTS TO THE 2007-2008 ASSESSMENT ROLL AS INDICATED BY SAID REPORT, be and hereby is adopted.

PUBLIC HEARING – APPEAL OF PLANNING COMMISSION’S DENIAL OF SITE PLAN NO. SP-414-06, VARIANCE NO. V-150-06, AND LOT LINE ADJUSTMENT NO. LLA-3-06 (F: 116.SP-414-06)

Appeal of Planning Commission’s Denial of Site Plan No. SP-414-06, Variance No. V-150-06, and Lot Line Adjustment No. LLA-3-06 The Applicant, GG Homes, LLC, is requesting Site Plan approval to improve five vacant lots each with a two-story single-family home; Variance approval to allow the project to deviate from the minimum lot size, and from the front, side street, and rear yard setbacks; and a Lot Line Adjustment to modify the lot lines for the four lots on Chapman Avenue. The properties are located on the northeast corner of Chapman Avenue and Magnolia Street at 9001, 9011, 9031, 9041 Chapman Avenue and 9002 Marylee Avenue, in the R-1 (Single-Family Residential) zone.

On November 16, 2006, the Planning Commission considered the request and the motion to approve the project failed with a 3-3 vote; therefore, the matter was deemed to have been denied.

The Planning Commissioners who voted to deny the project indicated that the lots were too small and would not be consistent with the lot size of the surrounding properties and recommended they be consolidated to create four lots instead of five. The Planning Commissioner who voted to approve the project indicated that even though the lots were substandard in size, the proposed concept appeared to be the best possible design for the properties.

An Appeal was filed by the appellant, and pursuant to Legal Notice published January 11, 2007, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated January 23, 2007, was introduced and reviewed by staff.

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

Ray Littrell addressed the City Council, noting his agreement with the Planning Commission, stating that a variance needs a better reason than highest and best use.

Peggy Bergan addressed the City Council, citing parking concerns.

Thom Falcon addressed the City Council, noting that this is a difficult site. Currently there are five legal lots on the property, and five owners could build individually. If the property were sold to one developer, the City would have more control in the matter.

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

In response to an inquiry by Council Member Janet Nguyen, staff indicated it is believed that this design minimizes traffic flow impact at this location.

In response to Council Member Rosen, staff indicated they could modify Condition No. 25 to require phone jacks and cable-TV outlets in the living room, family room, and in the bedrooms.

Council Member Rosen commented that this is an excellent project for that particular location, and he will support it with the modification to Condition No. 25.

#### RESOLUTION NO. 8756-07

It was moved by Council Member Rosen, seconded by Mayor Dalton, and carried by unanimous vote, that full reading of Resolution No. 8756-07 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE GRANTING THE APPEAL AND OVERTURNING THE PLANNING COMMISSION'S DENIAL OF SITE PLAN NO. SP-14-06, VARIANCE NO. V-150-06, AND LOT LINE ADJUSTMENT NO. LLA-3-06, FOR PROPERTIES LOCATED ON THE NORTHEAST CORNER OF CHAPMAN AVENUE AND

MAGNOLIA STREET AT 9001, 9011, 9031, AND 9041 CHAPMAN AVENUE AND 9002 MARYLEE AVENUE, PARCEL NOS. 132-442-25, 26, 27, 28 AND 29, be and hereby is adopted, with the modification to Condition 25.

RECOMMENDATION FROM THE TRAFFIC COMMISSION TO PROHIBIT SKATEBOARDING WITHIN THE HOTEL RESORT AREA FROM LAMPSON AVENUE TO THE NORTH CITY LIMITS ALONG HARBOR BOULEVARD AND TO INCLUDE THE MAIN STREET HISTORICAL DISTRICT FROM GARDEN GROVE BOULEVARD TO ACACIA PARKWAY (F: 100.9) (XR: A-116.6) (XR: A-122.11)

Staff report dated January 23, 2007, was introduced and reviewed by staff.

In response to an inquiry from Council Member Janet Nguyen, staff indicated that the Main Street Commission, at its last meeting, expressed support for the prohibition.

In response to an inquiry from Council Member Dina Nguyen, staff noted that a standard citation would be issued by a Police Officer, and the fine would be determined by a judge.

Council Member Broadwater noted that he could not support a \$500 fine, and he asked what problems have been experienced and where there are designated areas for skateboarders.

Staff noted that hotel managers on Harbor Boulevard have indicated that guests have been annoyed by skateboarders, and pedestrians are being encouraged in that area.

Mayor Dalton noted that on Main Street there are tables and chairs outside on the sidewalk which is not conducive to permitting skateboarding there.

Council Member Rosen noted that he is a Judge Pro Tem, and he does not slap maximum fines on first offenders. He further commented that perhaps we should look at providing a skateboarding area in the city

RESOLUTION NO. 8757-07

It was moved by Council Member Rosen, seconded by Mayor Dalton, that full reading of Resolution No. 8757-07 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PROHIBITING SKATEBOARDING IN

DESIGNATED AREAS, be and hereby is adopted. Upon the following vote:

AYES: COUNCIL MEMBERS: (3) DINA NGUYEN, ROSEN, DALTON  
NOES: COUNCIL MEMBERS: (2) BROADWATER, JANET NGUYEN  
ABSENT: COUNCIL MEMBERS: (0) NONE

said Resolution No. 8757-07 was declared adopted.

AGREEMENT WITH ECONOLITE TRAFFIC ENGINEERING & MAINTENANCE, INC., TO PROVIDE ON-CALL TRAFFIC SIGNAL MAINTENANCE AND REPAIR SERVICES FOR A THREE-YEAR PERIOD (F: 55) (XR: 24.1)

Staff report dated January 23, 2007, was introduced and reviewed by staff.

Council Member Janet Nguyen noted that Econolite was the highest bidder.

Staff noted that the selection was based on Econolite being the most qualified firm based on the superiority of the service and equipment that would be provided for the services needed.

Council Member Broadwater moved, seconded by Mayor Dalton, that the Agreement by and between the City of Garden Grove and Econolite Traffic Engineering & Maintenance, Inc., to provide on-call traffic signal maintenance and repair services for a three-year period, at a cost of \$323,000, be and hereby is approved. Said motion carried by the following vote:

AYES: COUNCIL MEMBERS: (4) BROADWATER, DINA NGUYEN,  
ROSEN, DALTON  
NOES: COUNCIL MEMBERS: (1) JANET NGUYEN  
ABSENT: COUNCIL MEMBERS: (0) NONE

APPROPRIATION OF STATE TRAFFIC CONGESTION RELIEF FUNDS TO THE FISCAL YEAR 2006-07 CITY BUDGET FOR THE SR-22 OBLIGATION (F: 34.1 FY 2006-07) (XR: 62.2)

Staff report dated January 23, 2007, was introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that \$1.1 million be authorized to OCTA for payment toward the City's SR-22 obligation.

SECOND READING OF ORDINANCE NO. 2699

It was moved by Council Member Rosen, seconded by Council Member Janet Nguyen, and carried by unanimous vote, that full reading of Ordinance No. 2699 be and hereby is waived.

ORDINANCE NO. 2699 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 AMENDING THE LAND USE CODE TO ESTABLISH WASTE REDUCTION AND RECYCLING REGULATIONS FOR LARGE SPECIAL EVENTS AND LARGE VENUES (F: 115.A-128-06)

It was moved by Council Member Rosen, seconded by Council Member Janet Nguyen, and carried by unanimous vote, that Ordinance No. 2699 be and hereby is declared adopted.

CONSIDERATION OF ADOPTION OF RESOLUTION CHANGING THE MEETING TIME FOR CITY COUNCIL REGULAR MEETINGS, AS REQUESTED BY COUNCIL MEMBER BROADWATER (F: 127.4)

Council Member Broadwater indicated that he would like to see the meetings begin earlier, and he suggested that Closed Sessions be held at 4:30 p.m.

Council Member Dina Nguyen indicated she would be able to attend Closed Sessions if they began at 5 p.m., with Open Sessions being held at 6:00 p.m.

Council Member Janet Nguyen indicated that it would be her preference to begin the Closed Sessions at 5:30 p.m.

RESOLUTION NO. 8758-07

It was moved by Council Member Broadwater, seconded by Council Member Dina Nguyen, that full reading of Resolution No. 8758-07 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING THE TIME AND PLACE OF CITY COUNCIL REGULAR MEETINGS, setting the time of Closed Sessions at 5:30 p.m., and Open Sessions at 6:30 p.m., be and hereby is adopted.

APPOINTMENTS TO CITY COMMISSIONS (F: 122.1)

A communication dated January 21, 2007, from Ray Littrell was introduced into the record, alleging that to conform with the



Government Code, the Mayor, with the approval of the City Council, is to make all appointments to boards, commissions, and committees.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that this matter be continued to February 13, 2007, and staff return at a later date with appropriate documentation.

APPOINTMENT OF A COUNCIL MEMBER TO FILL A ONE-YEAR TERM ON THE GARDEN GROVE COMMUNITY FOUNDATION BOARD (F: 130.15)

Communication dated January 16, 2007, from the Garden Grove Community Foundation Board was introduced.

It was moved by Mayor Dalton, seconded by Council Member Broadwater, and carried by unanimous vote, that Council Member Dina Nguyen be and hereby is appointed to fill a one-year term on the Garden Grove Community Foundation Board.

APPOINTMENTS TO VARIOUS CITY COUNCIL COMMITTEES AND AD HOC COMMITTEES (F: 122.1)

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote, that this matter be continued.

MATTERS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Rosen commented on the Fireworks issue and discussions that took place at previous City Council meetings relative to the matter. He noted that he would like the old Ordinance brought back again along with the minutes of those previous meetings.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the issue of Fireworks be placed on the February 13, 2007, City Council Agenda for discussion, along with the previously submitted Ordinance and Minutes of those City Council meetings where the item was discussed. (F: 61.6)

Council Member Rosen spoke about the February 6 Special Election for Orange County Supervisor, urging residents to vote for a candidate from Garden Grove. (F: 53.1)

Council Member Janet Nguyen also spoke about the February 6 Special Election. In addition, she asked that the meeting be adjourned in memory of former General Truong Quang Ngo, and she expressed her condolences to his family. (F: 53.1) (XR: 46.9)

Council Member Dina Nguyen requested that at a future meeting the issue of skateboard park options be brought forth for discussion. (F: 53.1) (XR: 73.1)

Mayor Dalton wished his grandson Alex a Happy Birthday and indicated that he will also adjourn the meeting in memory of Garden Grove resident, Charlie Luis. (F: 53.1) (XR: 46.9)

#### ADJOURNMENT

At 9:25 p.m., the meeting was declared adjourned in memory of former General Truong Quang Ngo and Garden Grove resident Charlie Luis. (F: 46.9)

RUTH E. SMITH  
CITY CLERK