

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, February 27, 2007, at 5:34 p.m.

ROLL CALL: PRESENT: (3) MAYOR DALTON, COUNCIL MEMBERS DINA NGUYEN, ROSEN

ABSENT: (2) COUNCIL MEMBERS BROADWATER, JANET NGUYEN (COUNCIL MEMBER JANET NGUYEN JOINED THE MEETING AT 5:37 P.M.)

PUBLIC INPUT ON CLOSED SESSION ITEM

There was no input from the public concerning the Closed Session item.

ADJOURN TO CLOSED SESSION

At 5:35 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room to discuss the following:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code section 54957)
Title: City Manager

COUNCIL MEMBER JANET NGUYEN JOINED THE MEETING AT 5:37 P.M.

RECONVENE IN OPEN SESSION

At 6:54 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and Council Members Dina Nguyen, Janet Nguyen, and Rosen present. It was announced that the previously disclosed item was discussed and that no reportable action was taken.

RECESS

At 6:55 p.m., the Mayor declared a recess.

RECONVENE

At 6:59 p.m., the meeting was reconvened with Mayor Dalton and Council Members Dina Nguyen, Janet Nguyen, and Rosen present.

Mayor Dalton announced that he would be continuing the Commission appointments to the March 13, 2007, City Council meeting.

INVOCATION AND PLEDGE

Assistant City Manager Les Jones gave the Invocation. Council Member Dina Nguyen led the Pledge of Allegiance to the Flag of the United States of America.

PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3) (XR: 78.1)

Mayor Dalton called forward Lucy Chiem and Jenna Payne and presented them with a certificate and a gift in appreciation for their life-saving actions.

DEPARTMENT UPDATE BY PERSONNEL DIRECTOR, JOHN D.R. CLARK

Personnel Director John D.R. Clark provided an update of activities in the Personnel Department.

ORAL COMMUNICATIONS - PUBLIC

Russ McDonald addressed the City Council, stating that in his opinion the fines imposed for the use of illegal fireworks will not address the concerns about the use of fireworks, and indicated that banning fireworks is the only resolution he feels will work. (F: 53.3) (XR: 61.6)

Dante Salazar addressed the City Council, congratulating Council Member Janet Nguyen on her victory in the County Supervisor election and praising her leadership in the community. (F: 53.3)

Peter Katz addressed the City Council, congratulating Council Member Janet Nguyen on her victory in the County Supervisor election, citing the power of each vote. (F: 53.3)

Charles Mitchell addressed the City Council congratulating Council Member Janet Nguyen on her victory in the County Supervisor election. He also suggested that the City look into painting the front portion of medians at intersections where lanes do not line up, thus helping the drivers see the correct lanes of travel. He praised the Rotary Club for its recent event at the Gem Theater. (F: 53.3)

David Vill, President of the Garden Grove Chapter of AARP, addressed the City Council regarding fireworks and how important banning the sale and use of fireworks in the city is to seniors. (F: 53.3) (XR: 61.6)

Michael Stene addressed the City Council, expressing support for the construction of a skateboard park in the City and providing information on the City of Lake Forest's skateboard park. (F: 53.3) (XR: 73.1)

Scott Weimer addressed the City Council, congratulating Council Member Janet Nguyen on her victory in the County Supervisor election. He urged the City Council to approve the Garden Grove Community Foundation's request for 90 days to present a plan for the management and operation of the Gem Theater, citing the successful use of the Gem by the Rotary Club for the premiere of "The Ultimate Gift." (F: 53.3) (XR: 87.3)

Paul Garcia, Daniel Morales, Frank Dominguez, and Jesse Acosta addressed the City Council urging the approval of the American GI Forum-Escalante Chapter of Orange County's request for the City to co-host the Annual American Freedom Recognition event at the Community Meeting Center. (F: 53.3) (XR: 88.1)

RECESS

At 7:47 p.m., the Mayor declared a recess.

RECONVENE

At 8:02 p.m., the meeting was reconvened with Mayor Dalton and Council Members Dina Nguyen, Janet Nguyen, and Rosen present.

REQUEST FROM THE GARDEN GROVE COMMUNITY FOUNDATION FOR APPROVAL TO PURSUE A PRODUCTION WITHIN THE GEM THEATER DURING THE 2007 HOLIDAY SEASON; AND TO GRANT THE FOUNDATION 90 DAYS TO PRESENT A PLAN FOR THE TRANSITORY MANAGEMENT AND OPERATION OF THE THEATER (F: 87.3) (XR: 130.15)

A written communication dated February 1, 2007, from Dominic Acolino, President of the Garden Grove Community Foundation, was introduced.

Dominic Acolino addressed the City Council regarding the Garden Grove Foundation's request to be given time to develop a course of action for the future of the Gem Theater and asked for approval to pursue a production at the Theater during the 2007 holiday season. He commented on the 80 years the Theater has enriched the community through arts.

Council Member Rosen praised the Foundation for past efforts on behalf of the City. He will support giving the Foundation the 90-day period to develop a plan of action for the Gem Theater; however, he indicated that the City is not in the position to financially support the Gem indefinitely. He is not ready to approve the December 2007 holiday production at this time.

In response to Council Member Janet Nguyen's concern of postponing the decision about the December 2007 production, Mr. Acolino indicated that the latest they would need a decision would be June or July.

Mayor Dalton commented that the Garden Grove Community Foundation does extraordinary work in the community.

It was moved by Council Member Rosen, seconded by Council Member Janet Nguyen, and carried by unanimous vote of those present, that the Garden Grove Community Foundation's request for 90-days to present a plan for the transitory management and operation of the Gem Theater, be and hereby is approved.

REQUEST FROM AMERICAN GI FORUM-ESCALANTE CHAPTER OF ORANGE COUNTY, FOR THE CITY TO CO-HOST THE ANNUAL AMERICAN FREEDOM RECOGNITION DINNER (F: 88.1)

A written communication dated February 1, 2007, from Paul Garcia, on behalf of the American GI Forum of the United States, was introduced.

Frank Rodriguez, consultant to American GI Forum-Escalante Chapter of Orange County, addressed the City Council answering questions about the process used to choose the Community Meeting Center for their first annual "American Freedom Recognition" dinner.

Each Council Member expressed their appreciation to our country's veteran's and soldiers.

It was moved by Council Member Janet Nguyen, seconded by Council Member Dina Nguyen, and carried by unanimous vote of those present, that the request from American GI Forum-Escalante Chapter of Orange County for waiver of fees for the use of the Garden Grove Community Meeting Center for their annual "American Freedom Recognition" dinner, be and hereby is approved.

RECESS

At 8:23 p.m., the Mayor declared a recess.

CONDUCT AGENCY BUSINESS

CONDUCT SANITARY DISTRICT BUSINESS

RECONVENE

At 8:27 p.m., the meeting was reconvened with Mayor Dalton and Council Members Dina Nguyen, Janet Nguyen, and Rosen present.

PROCLAMATION DECLARING MARCH 7, 2007, AS ARBOR DAY (F: 83.1)

Staff report dated February 27, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Dina Nguyen, and carried by unanimous vote of those present, that March 7, 2007, be and hereby is designated Arbor Day in the City of Garden Grove.

ACQUISITION OF RIGHT-OF-WAY OVER A PORTION OF REAL PROPERTY LOCATED AT 12502 HARBOR BOULEVARD, OWNED BY SAMRA BROTHERS, INC., FOR THE WIDENING AND IMPROVEMENT OF THE HARBOR BOULEVARD/LAMPSON AVENUE INTERSECTION (F: 96.Proj.7281)

Staff report dated February 27, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Dina Nguyen, and carried by unanimous vote of those

present, that the acquisition of the right-of-way located at 12502 Harbor Boulevard, for the widening and improvement of the intersection of Harbor Boulevard and Lampson Avenue, Project No. 7281, be and hereby is approved; the City Manager and City Clerk are authorized to execute the Right-of-Way Agreement and accept the Street Deed on behalf of the City; and the Finance Director is authorized to draw a warrant in the amount of \$108,210 to Samra Brothers, Inc., when appropriate to do so.

ADOPTION OF RESOLUTION ESTABLISHING POLICIES AND PROCEDURES FOR GRANTING A PRIORITY FOR THE PROVISION OF WATER SERVICES TO PROPOSED DEVELOPMENTS THAT INCLUDE HOUSING UNITS AFFORDABLE TO LOWER INCOME HOUSEHOLDS, AS REQUIRED BY SENATE BILL 1087
(F: 112) (XR: 24.1)

Staff report dated February 27, 2007, was introduced.

RESOLUTION NO. 8761-07

It was moved by Council Member Rosen, seconded by Council Member Dina Nguyen and carried by unanimous vote of those present, that full reading of Resolution No. 8761-07 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE OF ORANGE COUNTY, CALIFORNIA. ESTABLISHING POLICIES AND PROCEDURES GRANTING A PRIORITY FOR THE PROVISION OF WATER SERVICES TO PROPOSED DEVELOPMENTS THAT INCLUDE HOUSING UNITS AFFORDABLE TO LOWER INCOME HOUSEHOLDS, be and hereby is adopted.

CITY'S 2007 INVESTMENT POLICY; AND REAPPOINTMENT OF CITY TREASURER AND DEPUTY CITY TREASURER/FINANCE DIRECTOR AS PERSONS RESPONSIBLE FOR THE CITY'S INVESTMENTS (F: 127.7)
(XR: 60.8)

Staff report dated February 27, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Dina Nguyen, and carried by unanimous vote of those present, that the City's 2007 Investment Policy be and hereby is approved; and Les Jones be reappointed City Treasurer, and Kingsley Okereke be reappointed Deputy City Treasurer/Finance Director, as persons responsible for the City's investments.

MINUTES (F: Vault)

It was moved by Council Member Rosen, seconded by Council Member Dina Nguyen, and carried by unanimous vote of those present, that the minutes of the Regular Meeting of the City Council held January 9, 2007, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Rosen, seconded by Council Member Dina Nguyen, and carried by unanimous vote of those present, that regular warrants 378284 through 382103 and Wires W301 through W302, and payroll warrants 149603 through 149791, Direct Deposits D132208 through D132804, and Wires W1180-W1182, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PROPOSED 2007-2008 LEGISLATIVE PLATFORM (F: 67.5)

Staff report dated February 27, 2007, was introduced, and it was noted that this matter was continued from the meeting of January 23, 2007.

Council Member Rosen requested a change to the Community Development section to add, "To advocate the repeal the RALUPA law." He commented that RALUPA purports to have the Federal Government regulate zoning and conditional use permit decisions made by local communities, which is an entirely inappropriate intrusion into local planning.

Council Member Rosen moved, seconded by Mayor Dalton, that the 2007-2008 Legislative Platform be approved with the addition of #4 to Community Development to advocate the repeal of the Federal Religious Land Use and Institutionalized Persons Act (RALUPA) as an unwarranted Federal intrusion into local land use planning. Said motion carried by the following vote:

AYES: COUNCIL MEMBERS: (3) JANET NGUYEN, ROSEN, DALTON
NOES: COUNCIL MEMBERS: (1) DINA NGUYEN
ABSENT: COUNCIL MEMBERS: (1) BROADWATER

SUPPLEMENTAL WAGE PLAN FOR FULL-TIME EMPLOYEES ORDERED TO ACTIVE DUTY DURING A SPECIFIC MILITARY CRISIS (F: 78.13)

Staff report dated February 27, 2007, was introduced.

Council Member Rosen commented that this is a matter of substance in supporting our veterans. Approval of the resolution will supplement an employee's wages when called for active duty up to five years, which is currently set at one year.

RESOLUTION NO. 8762-07

It was moved by Council Member Rosen, seconded by Council Member Janet Nguyen and carried by unanimous vote of those present, that full reading of Resolution No. 8762-07 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A SUPPLEMENTAL WAGE PLAN FOR FULL-TIME CITY EMPLOYEES ORDERED TO ACTIVE MILITARY DUTY AND RESCINDING RESOLUTION NO. 8678-05, be and hereby is adopted.

PUBLIC HEARING - AMENDMENT NO. A-129-07, AMENDING TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE SECTION 9.08.030 (LAND USE MATRIX) (F: 115.A-129-07)

Staff indicated that this item is rescheduled for the meeting of March 13, 2007.

PUBLIC HEARING - AMENDMENT NO. A-131-07, AMENDING TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE SECTION 9.16.060 (F: 115.A-131-07)

Amendment No. A-131-07. The City of Garden Grove is proposing to Amend Title 9 of the Garden Grove Municipal Code, to modify the Residential Development Standards, Section 9.16.050, to establish the maximum number of bathrooms in any residence based upon the number of bedrooms. Also proposed, is an Amendment to the Procedures and Hearings, Section 9.24.030, to allow minor deviations from the maximum number of bathrooms in any residence.

On January 18, 2007, the City Planning Commission, pursuant to Resolution No. 5583, recommended approval of Amendment No. A-131-07; and pursuant to Legal Notice published February 15, 2007, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated February 27, 2007, was introduced and reviewed by staff.

Staff provided a summary of the proposed code sections, indicating that the approval of this amendment will address one of the more recent trends in home construction and remodeling to increase the number of bathroom facilities, thus impacting the infrastructure and impacting the quality of life in the community.

The City Attorney read the title of the ordinance, and stated for the record minor modifications to the body of the ordinance.

In response to Council Member Rosen's question, staff indicated that the code would not be retroactively enforced. Any home currently having more than four bathrooms would not be required to come into compliance.

Council Member Dina Nguyen asked what types of studies were done for this code change.

Staff indicated that sub-standard housing staff receives complaints from residents, and confirmed by staff inspections, that homeowners are renting rooms similar to apartments and boarding houses. Additionally, remodeling plans received by the City over the past ten years show a trend of having bathrooms with sole access from the bedroom.

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

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

Council Member Janet Nguyen raised concerns that the change in the code would be unfair for current homeowners and would like to see a grandfather clause with more flexibility. She would rather see the change in requirements be applied to new home construction.

Staff clarified that current homes not in compliance would be considered non-conforming but would not be required to remove bathrooms. For flexibility, the Director's Review process allows consideration for special needs on a case-by-case basis.

Council Member Rosen indicated his support of the Amendment with the Director's Review, stating that it would preserve the single-family neighborhoods.

Mayor Dalton indicated that he too is supportive of the Amendment.

Council Member Dina Nguyen indicated her support of Council Member Janet Nguyen's suggestion that the code be applied to new home construction.

In response to Council Member Janet Nguyen's question, staff responded that the number of bedrooms in a home is based on lot size and parking; the number of bathrooms are regulated by sewer capacity.

Council Member Rosen stated that inasmuch as there may be a different set of Council Members voting on the second reading of this Ordinance, he felt that action on this Amendment should be continued until the outcome of the Board of Supervisors election is settled.

Council Member Rosen moved, seconded by Mayor Dalton, that Amendment No. A-131-07, an Amendment to Title 9 of the Garden Grove Municipal Code establishing the maximum number of bathrooms, be continued to the May 8, 2007, meeting. Said motion failed to carry by the following vote:

AYES: COUNCIL MEMBERS: (2) ROSEN, DALTON
NOES: COUNCIL MEMBERS: (2) DINA NGUYEN, JANET NGUYEN
ABSENT: COUNCIL MEMBERS: (1) BROADWATER

In response to Council Member Rosen's question, the City Attorney indicated that at this point the item is still before the City Council. City Council can take further action tonight, or take no action and it could be brought back at a later time after a majority of the City Council approves to agendaize the item.

Council Member Janet Nguyen suggested that the number of bathrooms per bedrooms be modified to 3 bedrooms with 3 bathrooms, and 4 or more bedrooms with 4 bathrooms.

In response to Council Member Dina Nguyen's question on the number of requests the City receives for 6 or 7 bedrooms, staff indicated that requests for the construction of very large homes have increased. Currently the code is silent on bathrooms, and this amendment would allow some basis to regulate bathrooms. A Directors Review can be used for requests where it is appropriate to have more than 4 bathrooms.

ORDINANCE NO. 2700 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 AMENDMENT NO. A-131-07, AN AMENDMENT OF TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE

It was moved by Council Member Rosen, seconded by Council Member Janet Nguyen and carried by unanimous vote of those present, that full reading of Ordinance No. 2700 be waived, and said ordinance be and hereby is passed to second reading with the modifications of 3 bedrooms with 3 bathrooms and 4 or more bedrooms with 4 bathrooms

ORDINANCE NO. 2701, was introduced for first reading and title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING SECTIONS OF AND ADDING SECTIONS TO CHAPTER 5.28 OF TITLE 5, AND ADDING CHAPTER 1.22 TO TITLE 1, OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO REGULATIONS GOVERNING THE USE OF FIREWORKS IN THE CITY AND ESTABLISHING ADMINISTRATIVE FINES AND PROCEDURES RELATED THERETO FOR VIOLATION OF CHAPTER 5.28 (F: 61.6)

The City Attorney confirmed that the ordinance included the text that was requested at the February 13, 2007, meeting.

Council Member Janet Nguyen clarified that at the last meeting when she voted against this ordinance she assumed the fines would be applied to everyone using legal fireworks on public streets. Upon learning that the fines will be assessed only to those using illegal fireworks, she will be supporting this ordinance tonight.

It was moved Council Member Rosen, seconded by Mayor Dalton, and carried by unanimous vote of those present, that full reading of Ordinance No. 2701 be waived, and said ordinance be and hereby is passed to second reading.

AGREEMENT WITH SOUTHERN COUNTIES OIL COMPANY/SC FUELS FOR PURCHASE OF FUEL (F: 55) (XR: 24.1)

Staff report dated February 27, 2007, was introduced and reviewed by staff.

It was moved by Council Member Rosen, seconded by Council Member Janet Nguyen, and carried by unanimous vote of those present, that the Agreement by and between the City of Garden Grove and Southern Counties Oil to purchase fuel through the Long Beach City Bid #29052 in the amount of \$800,000 per year for a

three-year contract, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

DISCUSSION CONCERNING THE FEASIBILITY OF DEVELOPING A SKATEBOARD PARK IN GARDEN GROVE, AS REQUESTED BY COUNCIL MEMBER DINA NGUYEN (F: 73.1)

Community Services Director Kim Huy summarized the information provided to the City Council in a recent Manager's Memo.

Members of the audience responded to questions from the City Council regarding corporate sponsors, admission fees, hours, liability waivers, etc.

After discussion, staff was directed to meet with the proponents in the audience to investigate the feasibility of developing a skateboard park in Garden Grove and return to the City Council with information.

DISCUSSION CONCERNING ADOPTION OF A DOG BARKING ORDINANCE, AS REQUESTED BY MAYOR PRO TEM ROSEN (F: 55)

Mayor Pro Tem Rosen commented on the County's dog barking ordinance that outlines graduated responses to troublesome barking dogs. Adopting the ordinance allows cities to include the barking dog enforcement in the animal services contract.

Staff was directed to bring back the adoption of the County's ordinance for consideration by the City Council at the March 27, 2007, meeting. The County will be implementing its program in May.

APPOINTMENTS TO CITY COMMISSIONS (F: 122.1)

Mayor Dalton announced that he would be continuing this item to the meeting of March 13, 2007.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS AND CITY MANAGER

Council Member Rosen congratulated Council Member Janet Nguyen on her victory in the County Supervisor election. He suggested that a more structured process be developed to fill the City Council vacancy, to include a letter of interest and/or applications in sealed envelopes with a deadline and candidate interviews.

In response to Charles Mitchell's suggestion, Council Member Rosen requested staff provide information to the City Council on the

feasibility of painting the front portion of medians at those intersections where the lanes do not line up. (F: 53.1)

Council Member Janet Nguyen congratulated the Rotary Club for its event at the Gem Theater premiering "The Ultimate Gift"; she wished Council Member Broadwater well with his recovery; and thanked the Garden Grove community for their support throughout her political career. (F: 53.1) (XR: 87.3)

Council Member Dina Nguyen congratulated Council Member Janet Nguyen on her victory in the County Supervisor election. (F: 53.1)

Mayor Dalton congratulated Council Member Janet Nguyen on her victory in the County Supervisor election. He requested that Dog Parks be listed on the March 13, 2007, agenda for discussion. In addition, he requested information on graffiti in Garden Grove, noting that he has seen an increase in its occurrence. He congratulated the Cable staff for the awards recently received from Western Access Video Awards for their work on behalf of the City of Garden Grove. (F: 53.1) (XR: 73.1) (XR: 24.5)

ADJOURNMENT

At 9:35 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
DEPUTY CITY CLERK