

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, March 13, 2007, at 5:43 p.m.

ROLL CALL: PRESENT: (4) MAYOR DALTON, COUNCIL MEMBERS
BROADWATER, DINA NGUYEN, ROSEN

ABSENT: (1) COUNCIL MEMBER JANET NGUYEN (JOINED
THE MEETING AT 5:45 P.M.)

PUBLIC INPUT ON CLOSED SESSION ITEM

There were no comments from the public.

ADJOURN TO CLOSED SESSION

At 5:44 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room to discuss the following:

Pursuant to Government Code section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

COUNCIL MEMBER JANET NGUYEN JOINED THE MEETING AT 5:45 P.M.

RECESS

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

RECONVENE IN OPEN SESSION

At 7:00 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members present. It was announced that the previously disclosed item was discussed and that no reportable action was taken.

INVOCATION AND PLEDGE

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

PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3) (XR: 102.3)

Mayor Dalton called forward Sister City Association Exchange Students who will be visiting Anyang, Korea and presented them with gift bags.

DEPARTMENT UPDATE

No report was presented.

ORAL COMMUNICATIONS - PUBLIC

J. Tilman Williams addressed the City Council, commenting on the makeup of the City Council, supporting the inclusion of women. (F: 53.3)

Benjamin Boese, Kevin Song, Fernando Wundrum, and Maria Scott addressed the City Council concerning an Earth Day celebration at Garden Grove Park on April 14. (F: 53.3) (XR: 73.5)

Laura Herzog addressed the City Council concerning the American Cancer Society's Relay for Life event on July 21 and 22 at Garden Grove High School. (F: 53.3)

David Vill addressed the City Council concerning the AARP Chapter and their meetings. (F: 53.3)

David Lautherboren addressed the City Council concerning the support of our Veterans in light of recent news that has surfaced concerning the alleged mishandling of our Veterans. (F: 53.3)

Bob Owens addressed the City Council concerning inadequate funding for our Veteran Hospitals. He urged that the Fireworks ordinance be strictly enforced. (F: 53.3) (XR: 61.6)

Charles Mitchell addressed the City Council concerning the Veteran Hospital issues, and he asked the citizens to provide basic items for personal kits for hospitalized veterans, noting that the American Legion Post is providing these kits to these veterans. (F: 53.3)

REQUEST FROM THE VIETNAMESE AMERICAN COMMUNITY OF SOUTHERN CALIFORNIA THAT THE CITY GIVE PERMISSION AND TAKE RESPONSIBILITY FOR HANGING U.S. AND VIETNAMESE FLAGS ON CERTAIN POWER POLES DURING BLACK APRIL COMMEMORATION WEEKS, APRIL 21 TO MAY 6, 2007 (F: 88.1) (XR: 130.14)

This matter was continued to the City Council meeting of March 27, 2007, at the request of the President of the Vietnamese American Community of Southern California.

RECESS

At 7:39 p.m., the Mayor declared a recess.

RECONVENE

At 7:42 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

PROCLAMATION – WORLD WATER DAY (F: 83.1)

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that March 22, 2007, be and hereby is designated World Water Day.

AWARD OF CONTRACT FOR KITCHEN REPLACEMENT AND DINING ROOM ADDITION AT FIRE STATION #7 (F: 24.1)

It was announced that this matter will not be considered at this time.

ACCEPTANCE OF 2006 ASSISTANCE TO FIREFIGHTERS GRANT AWARD TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT AND OTHER APPROVED SAFETY-RELATED EQUIPMENT (F: 61.1)

Staff report dated March 13, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the Fire Department be authorized to accept the 2006 Assistance to Firefighters Grant award of \$136,192 to purchase personal protective equipment and other approved safety related equipment.

LICENSE AGREEMENT WITH SOCAL STREET HOCKEY, INC., FOR THE OPERATION OF THE TWO HOCKEY RINKS AT THE CHAPMAN SPORTS COMPLEX (F: 55) (XR: 73.23) (XR: 87.1)

Staff report dated March 13, 2007, was introduced.

It was moved by Council Member Janet Nguyen, seconded by Council Member Rosen, and carried by unanimous vote, that the License Agreement by and between the City of Garden Grove and SoCal Street Hockey, Inc., for the operation of the two hockey rinks at the Chapman Sports Complex, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

ATTENDANCE AT LAW ENFORCEMENT INTELLIGENCE UNIT TRAINING CONFERENCE IN VANCOUVER, CANADA (F: 82.1)

Staff report dated March 13, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the request for two City employees to attend the Law Enforcement Intelligence Unit Training Conference in Vancouver, Canada, April 23-27, 2007, be and hereby is approved.

CREATION OF CLASSIFICATION OF RISK MANAGEMENT SUPERVISOR WITHIN THE MIDDLE MANAGEMENT UNIT (F: 78.5) (XR: 60.1)

Staff report dated March 13, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the creation of the classification of Risk Management Supervisor at range 171, as a classification within the Middle Management unit, be and hereby is approved.

MINUTES (F: Vault)

It was moved by Council Member Broadwater, seconded by Member Rosen, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held January 23, 2007, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that regular warrants 382104 through 382768 and payroll warrants 149792 through 149964, Direct Deposits D132805 through D133409, and Wires W1183-W1186, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

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

Amendment No. A-129-07. The City of Garden Grove is proposing to Amend Title 9 of the Garden Grove Municipal Code, Section 9.08.030 (Land Use Matrix) to modify the zones where assembly uses such as educational institutions, health clubs, trade schools, preschools, private club and lodges may be established; to require approval of a Conditional Use Permit for these uses; and to move the development standards for schools from Section 9.04.060 to Section 9.08.050.

On January 18, 2007, the City Planning Commission, pursuant to Resolution No. 5579, recommended approval of Amendment No. A-129-07; and pursuant to Legal Notice published March 1, 2007, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated March 13, 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 this matter.

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

In response to a request for clarification from Council Member Dina Nguyen, the City Attorney noted that while the staff believes that the City is currently in compliance with RLUIPA and other laws relating to religious uses, staff wants to take additional steps to eliminate perceived concerns about compliance with RLUIPA. The intent of the proposed amendment is to remove all assembly uses from the Office Professional zone. As that occurs, and other zones are adjusted, the proposal then addresses other zones as well in order to allow churches wherever assembly uses are allowed in the city.

Council Member Dina Nguyen expressed a concern that some of the activities presently permitted in the Office Professional (OP) zone would be adversely affected by this change. She expressed concern that the Boys and Girls Club in that area might want to expand and would not be able to do so because of this new ordinance. She noted that she is not comfortable with this proposed amendment.

Council Member Rosen asked whether current uses would be grandfathered in. The City Attorney responded that current uses would be considered legal non-conforming uses if this ordinance were adopted, and they would continue to be able to operate where they are currently. He also noted that in general, when there is a non-conforming use, any significant expansion would not be allowed in that particular zone.

Council Member Dina Nguyen commented that religious establishments are presently only permitted in residential zones. Additionally, offices are not limited to Office Professional zones; they are also allowed in commercial and retail zones. She further commented that residents do not want noise or traffic in their neighborhoods. There are a lot of religious establishments with chanting up to 9:00 p.m. or 10:00 p.m., which would be an ongoing problem. Additionally, there is assembly up to 9:00 p.m., with additional traffic in the residential area. Leaving religious groups only in the residential areas creates a problem for the residents.

Council Member Janet Nguyen commented that the purpose is to bring all the organizations together and treat everybody fairly.

The City Attorney noted that this proposal is designed to make sure that all assembly uses are treated the same way in each zone in the city.

Council Member Rosen commented that there was a Federal law passed in which the Federal government essentially dictates to local communities what kind of zoning they can have, in particular with regard to religious institutions, which cannot be discriminated against. Seventy-five percent of Garden Grove is residential property, where churches are permitted. Other assembly uses cannot, and have to be in specialized zoning.

Council Member Rosen continued, that now the allegation has been made that because we don't allow churches in Office Professional, and we allow some other assembly uses, we are discriminating against churches, even though churches can be in 75 percent of the city and these other uses cannot. The comments made by Council Member

Dina Nguyen have some merit, but in the real world where these allegations are being made, we are bending over backwards to be more favorable to churches because that is what the Federal legislation calls for.

Council Member Broadwater commented that this is discriminating against other organizations in the Office Professional zones that have had the right to assemble in the past that will not have the right to assemble if this Amendment is passed.

Council Member Dina Nguyen commented that this change in the Office Professional zone is not a sensible change for the community and will not benefit any of the organizations. She suggested decisions be made on a case-by-case basis through a variance.

Council Member Rosen noted that an organization is now suing the City because they bought land that was not zoned for the purpose they bought it for and didn't get their way to change the zoning. This proposed Amendment is addressing what they claim is an inequity under Federal law.

Council Member Dina Nguyen commented that this particular amendment is not an equitable amendment and if that organization is suing the City, they would not be suing the City if they did not believe that they may have been treated unfairly. Further, she commented that perhaps the Residential zoning should also be looked at because times have changed.

Council Member Rosen noted that Office Professional is for office buildings and for professionals. And the City has strayed from that to the extent that it has allowed for assembly. Office Professional does not mean churches or a compilation of other uses. There is currently very little Office Professional space.

Council Member Dina Nguyen noted that if this change is made, it would affect a lot of organizations.

ORDINANCE NO. 2702 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-129-07, AN AMENDMENT OF TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE

Council Member Rosen moved, seconded by Council Member Janet Nguyen, that full reading of Ordinance No. 2702 be waived, and said ordinance be and hereby is passed to second reading. Upon the following vote:

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

said Ordinance No. 2702 was passed to second reading.

SECOND READING OF ORDINANCES NO. 2700 AND NO. 2701

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinances No. 2700 and No. 2701 be and hereby is waived.

ORDINANCE NO. 2700 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 APPROVING AMENDMENT NO. A-131-07, AN AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE (F: 115.A-131-07)

Following the reading of the ordinance title, it was moved by Council Member Broadwater, seconded by Council Member Janet Nguyen, and carried by unanimous vote, that Ordinance No. 2700 be and hereby is declared adopted.

ORDINANCE NO. 2701 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 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) (XR: 50.2)

Following the reading of the ordinance title, it was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that Ordinance No. 2701 be and hereby is declared adopted.

RECESS

At 8:05 p.m., the Mayor declared a recess.

RECONVENE

At 8:25 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

CONSIDERATION OF ESTABLISHING DOG PARKS, AS REQUESTED BY MAYOR DALTON (F: 73.1)

It was announced that this item would be continued.

REPORT CONCERNING RECENT TRIP TO WASHINGTON, D.C., BY MAYOR DALTON AND COUNCIL MEMBER DINA NGUYEN (F: 53.1)

It was announced that this item would be continued.

APPOINTMENTS TO CITY COMMISSIONS (F: 122.1)

Mayor Dalton read his proposed appointments to the City Commissions.

Council Member Rosen noted that he has an issue with the proposed appointments to the Administrative Board of Appeals and the Neighborhood Improvement and Conservation Commission.

It was moved by Council Member Broadwater, seconded by Council Member Dina Nguyen, and carried by unanimous vote, that the following appointments to City Commissions be approved:

Parking and Main Street Commission: Gary Brown; Hooshang Farahmand; Ismael Jaurequi; Audrey Pecor; Curt Radi; Rebecca Weimer; David Zlaket. (F: 122.6A)

Parks, Recreation, and Arts Commission: Eric Adams; Chan Chung; Susan Galschiodt; Dorothy Malcolm; Darren Piccirillo; Jack Wallin; Enzo Selvaggi. (F: 122.70A)

Planning Commission: John Bankson; George Brietigam; Roland Chi; Steve Jones; Brian Nguyen; Joseph Pak; Ronald Pierce. (F: 122.10A)

Sanitary District Advisory Commission: Michael J. Boess; Judi LeClair; Paul Lucas; Charles Mitchell; Lactan Nuygen. (F: S-122.1A)

Traffic Commission: Nolan Alejandro; Bert Ashland; Kathryn Feather; Eugene Kirkham; Kevin Lindsay. (F: 122.11A)

It was the consensus of the Council Members that appointments to the Administrative Board of Appeals and the Neighborhood Improvement and Conservation Commission be continued to the meeting of March 27, 2007.

MATTERS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Broadwater spoke about his recent Angioplasty and thanked everyone for their kind wishes. He asked the City Attorney to provide information concerning the process of converting from a General Law City to a Charter City, commenting that he believes there are valuable reasons to consider this. He also requested information regarding the City's current term limit ordinance, and reducing the number of years a Council Member must wait to run for that office again to two years. He also requested that discussion concerning the Buddhist Temple lawsuit be placed on the March 27, 2007, agenda for discussion in Closed Session. (F: 53.1) (XR: 127.11) (XR: GPA-1-05(A))

Council Member Rosen wished his daughter Jessica a Happy 16th Birthday. He noted that OCTA is again looking at the Pacific Electric Right-of-Way area, and suggested that staff look at what is acceptable for the city. In addition, he referenced a letter from Assemblyman Jose Solorio concerning AB 823 to encourage the County of Orange to share its Gas Tax and Proposition 42 funds with cities in our county. This legislation would also require the County of Orange to annually report its Gas Tax and Proposition 42 funds revenues, expenditures, and surplus. He asked that this be placed on the March 27, 2007, City Council agenda for discussion and support. Lastly, he asked that the filling of an empty seat on the City Council be placed on the March 27, 2007, City Council agenda, and asked that applications be submitted and interviews be held. (F: 53.1) (XR: 64.1) (XR: 36.3)

Mayor Dalton announced that the meeting will be adjourned to Tuesday, March 20, 2007, at 5:30 p.m.

ADJOURNMENT

At 8:43 p.m., the meeting was declared adjourned to Tuesday, March 20, 2007, at 5:30 p.m., in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue.

RUTH E. SMITH
CITY CLERK