

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 22, 2005, at 6:17 p.m.

ROLL CALL: PRESENT: (5) MAYOR DALTON, COUNCIL MEMBERS KREBS, LEYES, NGUYEN, ROSEN

ABSENT: (0) NONE

ALSO PRESENT: City Manager, Matthew Fertal; Deputy City Manager, Les Jones; Administrative Services Director, Kathy Porter; Community Development Director, Susan Emery; Leisure Services Manager, Pilar Alcivar McCoy (representing Community Services Director); Finance Director, Kingsley Okereke; Division Chief, Dave Barlag (representing Fire Chief); Personnel Director, Steve Larson; Police Chief, Joe Polisar; Public Works Director, Keith Jones; City Attorney, John Shaw; and Deputy City Clerk, Priscilla Stierstorfer.

PUBLIC INPUT PERTAINING TO CLOSED SESSION

There were no comments from the public pertaining to the Closed Session items.

ADJOURN TO CLOSED SESSION

At 6:18 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 54957.6, the City Council will meet with its negotiator (City Manager) regarding the status of labor negotiations with the Employee Association and the Employee League. Also, pursuant to Government Code section 54957.6, the City Council will meet with its negotiator (City Manager) regarding the status of labor negotiations with the Garden Grove Police Association.

RECONVENE

At 7:18 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council members in attendance, and it was announced that the matters previously disclosed were not discussed and will be discussed in Closed Session at the end of the meeting.

INVOCATION AND PLEDGE

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

RESOLUTION COMMENDING CRYSTAL CATHEDRAL MINISTRIES ON THEIR 50TH ANNIVERSARY (F: 52.2) (XR: 52.3)

It was moved by Council Member Leyes, seconded by Council Member Rosen, and carried by unanimous vote, that the Resolution commending Crystal Cathedral Ministries on their 50th Anniversary be and hereby is adopted.

PRESENTATION (F: 52.3) (XR: 52.2)

Mayor Dalton called forward representatives of the Crystal Cathedral Ministries and presented them with the resolution adopted commemorating their 50th Anniversary.

PRESENTATION (F: 52.3) (XR: 82.1)

Mayor Dalton called forward Police Chief Joe Polisar and Police Deputy Chief Kevin Raney and presented them with a plaque in recognition of the Garden Grove Police Department being awarded Reaccredited Status in 2004. (F: 52.3) (XR: 82.1)

ORAL COMMUNICATIONS - PUBLIC

Charles Mitchell congratulated the Police Department. He spoke about animals being driven from their homes because of the freeway construction. People have to be aware and protect their pets at home. (F: 53.3) (XR: 62.2a)

Helen Elich commented that rules and regulations should be printed in several languages so that people in the community are aware of the ordinances for property maintenance. She provided pictures of

a home that continues to have debris in the front yard. (F: 53.3)
(XR: 80.2)

James Diaz commented that he is the President of the Sycamore Walk Homeowners Association and noted his concerns with allowing beer and wine at the new Los Sanchez Restaurant and asked if these issues will be addressed, and whether an alternate site has been discussed. He also hopes that the remaining property will be developed for residential use. (F: 53.3) (XR: A-55.301)
(XR: 115.A-119-05)

RECESS

At 7:38 p.m., the Mayor declared a recess.

RECONVENE

At 7:41 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

PROCLAMATION – NATIONAL MULTIPLE SCLEROSIS (F: 83.1)

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that April 10, 2005, be and hereby is proclaimed as the day to support the National Multiple Sclerosis Society in their efforts to end the devastating effects of Multiple Sclerosis.

PROCLAMATION – RECORDING FOR THE BLIND & DYSLEXIC'S RECORD-A-THON WEEK (F: 83.1)

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that April 18-23, 2005, be and hereby is proclaimed as Recording for the Blind & Dyslexic's Record-A-Thon Week.

DENIAL OF CLAIMS (F: 49.2)

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that claims submitted on behalf of Darnell Jones, Lamar Bell, Jason Bodlek, Adelina O'Campo; and by Randy Rutishauser, be and hereby are denied.

AMENDMENT NO. 10 TO COOPERATIVE AGREEMENT NO. C-95-974 WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (F: 55) (XR: 23.18)

Staff report dated March 22, 2005, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that Amendment No. 10 to Cooperative Agreement No. C-95-974 by and between the City of Garden Grove and the Orange County Transportation Authority, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the amendment.

AMENDMENT TO THE JOINT AGREEMENT FOR THE IMPLEMENTATION AND OPERATION OF THE ORANGE COUNTY 800 MHZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM (F: 55) (XR: 61.1)

Staff report dated March 22, 2005, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the Amendment to the Joint Agreement by and between the City of Garden Grove and the County of Orange for the Implementation and Operation of the Orange County 800 MHz Countywide Coordinated Communications System, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the amendment.

AGREEMENT WITH THE VAN HANH ASSEMBLY TO CONDUCT A BUDDHA'S BIRTHDAY CELEBRATION AT GARDEN GROVE PARK (F: 55) (XR: 73.5) (XR: 42.1a)

Staff report dated March 22, 2005, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the Van Hanh Assembly to conduct a Buddha's Birthday Celebration at Garden Grove Park on May 15, 2005, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AWARD OF CONTRACT TO MERCHANTS BUILDING MAINTENANCE FOR CUSTODIAL MAINTENANCE AT THE CITY JAIL, POLICE SUBSTATIONS, AND THE HOUSING, CABLE, AND WIA OFFICES (F: 55) (XR: 24.1)

Staff report dated March 22, 2005, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that Merchants Building Maintenance be and hereby is determined to be the lowest bidder in connection with custodial maintenance at the City Jail, Police Substations, and the Housing, Cable, and WIA offices, and that contract for said project be and hereby is awarded to said company in the sum of \$126,767.00 for three years, in accordance with the terms of the City's specifications and the bid submitted by said company; that all other bids be and hereby are rejected; and the City Manager and City Clerk are authorized to execute said contract.

AWARD OF PURCHASE – WONDRIES FLEET GROUP – EIGHT POLICE CARS – PUBLIC WORKS DEPARTMENT (F: 24.1) (XR: 82.4)

Staff report dated March 22, 2005, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that a purchase order for eight Police patrol cars, be and hereby is awarded to the lowest qualified bidder, Wondries Fleet Group, through participation in the Los Angeles County bid, in the amount of \$197,390.40.

CITY'S 2005 INVESTMENT POLICY AND REAPPOINTMENT OF CITY TREASURER AND DEPUTY CITY TREASURER (F: 127.7) (XR: 60.8)

Staff report dated March 22, 2005, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the 2005 Investment Policy be and hereby is approved; and that the City Treasurer and the Deputy City Treasurer be and hereby are reappointed as the persons responsible for the City's investments.

MINUTES (F: Vault)

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held February 5, 2005, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that regular warrants 332164 through 332694, and payroll warrants 139742

through 139924, Direct Deposits D103563 through D104107, and wires W950 through W953 which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – GENERAL PLAN AMENDMENT NO. GPA-1-05 (A), AMENDMENT NO. A-118-05, DEVELOPMENT AGREEMENT; AND APPEAL OF SITE PLAN NO. SP-361-05 AND CONDITIONAL USE PERMIT NO. CUP-152-05 (F: 20.GPA-1-05(A)) (XR: 106.160) (XR: 115.A-118.05) (XR: 116.SP-361-05) (XR: 51.CUP-152-05)

General Plan Amendment No. GPA-1-05 (A), Amendment No. A-118-05, Development Agreement; and Appeal of Site Plan No. SP-361-05 and Conditional Use Permit No. CUP-152-05. The Applicant, the Vietnamese Buddhism Study Temple in America is requesting to amend the General Plan Land Use designation to Low Density Residential, to rezone the property from Office Professional to R-1-7 (Single Family Residential); along with Site Plan approval to construct a two-story 15,500 square foot Buddhist Temple, and a Conditional Use Permit to operate the religious facility. Also requested is approval of a Development Agreement. The site is located on the southeast corner of Chapman Avenue and Nutwood Street at 10510 Chapman Avenue.

On February 3, 2005, the project was deemed denied by the City Planning Commission, with two Commissioners voting in favor of the project and two voting against it. On February 7, 2005, an appeal was filed by a Council Member, and pursuant to legal notice published on March 11, 2005, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated March 22, 2005, was introduced, and staff reviewed the background information concerning this project.

Council Member Leyes commented that there was a proposal to have medium density houses on that site and it was denied. He questioned how soon after that denial this proposal was presented. Staff noted that the application was submitted in December 2004.

Council Member Leyes inquired whether it was made clear at that time to the applicant that this property was not zoned for a church. Staff noted that the applicant was advised.

Council Member Leyes commented that one of the rare occasions when the City Council did allow property to be rezoned was for the Calvary Church on Knott. He noted that one of the conditions was

that they pay the City for loss of revenue. The Community Development Director commented that there is a provision in the Development Agreement to pay the City for lost revenue from property taxes.

Council Member Rosen inquired how many parking spaces are currently on the site. Staff noted that there will be more parking than there currently is for the office building.

Council Member Rosen inquired what the parking requirements are. Staff noted that parking is one space for 250 square feet of gross floor area.

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

Cindy Fench commented that she lives one half mile away from the proposed site. Parking and traffic is an issue. She noted that this is a 15,000 square foot building; and the Fire Marshall should regulate occupancy, and parking should be based on that occupancy. She commented that the way that people explain the facility, people will come and go all day long. This is a three-story building. There are no other buildings this tall on Chapman Avenue. She requested that the City Council consider what looks good in that neighborhood.

Bill Lawenda commented that this is an area that already has problems. Accidents are common in this area because of the traffic. The list that shows four to five accidents is not complete because the Police Department does not come out for all the accidents. If the Temple is successful, the traffic can only increase as their followers increase.

Dale Washington representing the applicant addressed the City Council. He noted that the reality is we are running out of space and buildings have to go up. The City Council turned down a proposal to have 16 homes because of traffic. This Buddhist Temple is very beautiful and will generate less traffic. The use meets code requirements for parking. There was a traffic study done. He noted that Buddhism is a religion that is based on prayer and meditation. People come and go. The applicant has agreed to compensate the City for loss of property taxes. He noted that there is no reason to deny the request and requested that the City Council allow the Temple to go forward.

Cy LaBree commented that the office professional building has been there for over 40 years. The occupants moved to newer quarters.

The Mayor said that the City is losing revenue. This is a piece of commercial property that will come off the tax rolls if it is a Temple. He commented that people are living in the building. He filed a complaint with Code Enforcement, and they verified that people are living in the building. He commented that this church may have enough parking, but traffic is a big problem.

Lan Nguyen commented that he is the architect for the project. They worked to meet all the Code requirements. The current facility is 18,500 square feet, which requires 78 parking spaces. He noted that the new project will be two floors equal to 15,500 square feet and there will be 146 parking spaces. He commented that they redesigned the driveway to meet the Fire Department requirement. He noted that the only choice for the style was to bring in the character of the Buddhist Temple.

In reply to Council Member Leyes, Mr. Nguyen commented that there is an easement that they are required to maintain.

Council Member Leyes commented that there are two theater-style churches, and they have stated that they will never use both at the same time. He questioned why they need two. Mr. Nguyen commented that in a Buddhist Temple, you only have one Master. He noted that when there is a mass that everyone will attend, it will be held on the second floor.

Council Member Leyes questioned whether the seating is removable on the first floor. Mr. Nguyen commented that it is, depending on the activity.

Council Member Nguyen commented that it is not really theater-style as we know it, and questioned whether they sit on the floor. Mr. Nguyen commented that on the second floor they sit on pillows

Council Member Leyes commented that there is a different parking requirement if it is used as a hall rather than fixed seating. Staff commented that the plan shows bench seating and pews, and the parking was calculated on the plans that were submitted. If it were open seating, it would require more parking spaces.

Tom Petrosine commented that he lives across the street. That building is a problem now with 9,000 square feet, and its square footage will be increased. He noted that their credibility is shot because of their conflicting comments. They were told they could not have a Temple in a commercial area. There are at least six units where people are living and cooking. He questioned whether there

will be people living there all the time while they are building the new Temple. He noted that there are at least 10 to 12 cars there all the time. He thought that Code Enforcement should go out and have the site cleaned up.

Andy Hinson commented that his concern is the added traffic. During the week, it is very congested with people dropping off their children at the Boys and Girls Club. He noted that on Sunday with all the churches in the area it is even more congested. He commented that he has not heard the results of the traffic study.

Tammy Tran commented that she was in support of the Temple. This Temple is a place where people come to meditate and study Buddhism. She urged the City Council to vote in favor of the Temple as staff recommended. The members of the Temple have worked very hard with staff. There is a misunderstanding regarding what activities will be held at the Temple. She noted that only one level will be used at a time. She commented that the benches on the plans are only placeholders. Mats are put on the floor. The room is empty and is used for prayer and meditation. There will be more people when there are special gatherings or parties.

Hung Pham commented that he is a devotee of the Temple.

Mayor Dalton commented that the plans show 160 people on one floor and 180 on another floor, and both floors can be used. Mr. Pham commented that was correct.

Mayor Dalton inquired how they can have 300 people for Buddha's Birthday if you can only have 160 on one floor. He questioned where the additional people will be. Mr. Pham commented that people do not all come at the same time. They come in small groups. The Master presides over the small groups.

Council Member Rosen inquired how many special occasions there are. Mr. Pham commented that there are three.

Council Member Rosen inquired how many people attend Sunday services. Mr. Pham commented that there are 50 to 100 people on Sunday.

Council Member Rosen inquired how much traffic is generated during the week. Mr. Pham commented that they do not go to the Temple every day and there are very few people during the week.

Council Member Rosen inquired whether they use bells or chimes. Mr. Pham commented that they use small bells.

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

Council Member Krebs commented that parking was calculated on permanent seating. He inquired how many additional parking spaces are required, noting that this is very similar to the Mosque. Staff noted that parking is based on the square footage of the assembly area, which would be higher than for fixed seating.

Council Member Leyes commented that it was presented that it would be fixed seating, and this is what the parking calculation is based upon. He indicated that he read the Development Agreement, and the applicant agreed to pay the City the annual property tax that would have been received for that property. He questioned whether the conditions of the Development Agreement are transferable, and how this will be enforced. Staff commented that it is transferable to new owners, and the requirement runs with the land.

Council Member Leyes noted that his biggest concern when approving Calvary Chapel was the precedent it set. Garden Grove is a very generous city in that churches are permitted in residential areas. There are a lot of residential areas to pick from because using commercial property takes it off the tax rolls.

Council Member Rosen requested that approval be contingent upon the provisions in the Development Agreement.

Council Member Krebs commented that Garden Grove prides itself on supporting churches. He noted that there are seven legitimate Buddhist Temples in the city. He inquired whether the city needs more; however, he thinks it is up to the community to decide. He was not in favor of having the Temple in that area. It is 45 feet tall with a design that does not fit in that area. They cannot do anything to this building to make it fit in the area, and he was not in favor of changing the zoning.

Council Member Rosen commented that he opposed Calvary Chapel because it was put in an industrial area. The proposed Temple is on a site that is on a major street. There are a lot of commercial activities on Chapman, and it was designed to be a commercial street. He noted that the City Council voted against a residential development on that site because it was too compact. He

commented that you cannot compare traffic with what was previously there and what is currently there. You have to compare traffic of the Temple with a thriving medical facility. Three days out of the year there will be a lot of traffic at the Temple. There will be more parking spaces than there currently are, and the parking can handle the people at the Temple. The Development Agreement will handle the loss of property taxes.

Council Member Leyes commented that it should never be rezoned. The minutes of the Planning Commission meeting reflect that the applicant said there will be 60 members at the Temple. There was testimony that there are two levels and it is only used for prayer. However, someone said there will be wedding receptions. The parking requirements changed. If the use is different than what was represented, then it is "under parked". He inquired where the extra cars will park. He indicated that it is not compatible with the area.

Mayor Dalton commented that he has gone by the site, and there are people living there. There are rules that people have to obey. If they want the City Council's approval, they should comply with the rules. The Temple will impact the whole area. He noted his concern with the height of the building. He noted that there will be many events, and that area cannot handle the additional cars. It is a good thing that the Temple will be utilized by a lot of people; however, the neighborhood needs to be taken into consideration.

Council Member Krebs moved, seconded by Council Member Leyes, that General Plan Amendment No. GPA-1-05(A), Amendment No. A 118-05, the Development Agreement, the appeal of Site Plan No. SP-361-05, and appeal of Conditional Use Permit No. CUP-152-05 be and hereby are denied on the basis that the City Council wishes to retain the General Plan designation and the Office Professional zone on the site. The motion carried with the following vote:

AYES:	COUNCIL MEMBERS:	(3)	KREBS, LEYES, DALTON
NOES:	COUNCIL MEMBERS:	(2)	NGUYEN, ROSEN
ABSENT:	COUNCIL MEMBERS:	(0)	NONE

RECESS

At 9:10 p.m., the Mayor declared a recess.

RECONVENE

At 9:35 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

PUBLIC HEARING – GENERAL PLAN AMENDMENT NO. GPA-1-05(B), PLANNED UNIT DEVELOPMENT NO. PUD-106-05, AND A DEVELOPMENT AGREEMENT (F: 20.GPA-1-05(B)) (XR: 116.PUD-106-05) (XR: 106.159)

General Plan Amendment No. GPA-1-05 (B), Planned Unit Development No. PUD-106-05, and A Development Agreement The applicant Scott Gerrity (ACP Management) is requesting to amend the General Plan Land Use from MX (Mixed Use) to CR (Community Residential) and to rezone the property to Planned Unit Development, along with a Development Agreement to construct 93 senior apartment units. The subject site is located on the north side of Garden Grove Boulevard, west of Sungrove Street, at 12753 to 12781 Garden Grove Boulevard.

On February 3, 2005, the City Planning Commission, pursuant to Resolutions No. 5479 and 5480, recommended approval of the requests; and pursuant to public notice published March 11, 2005, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated March 22, 2005, was introduced, and staff reviewed the background information concerning this project.

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

George Kallins commented that he represented the applicant and was available to answer any questions.

Council Member Nguyen inquired what the average rents will be. Mr. Kallins commented that the units are small to make them affordable. He noted that they will also be accepting HUD vouchers. The amount for rent will depend on the market.

In response to Council Member Leyes, Mr. Kallins commented that they will not allow more than three to four people in a two-bedroom unit and three in a one-bedroom unit. He noted that they pride themselves on a professional operation.

Council Member Krebs inquired how the size compared to other senior units. Mr. Kallins commented that it is comparable, and that is what makes it affordable.

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

RESOLUTION NO. 8633-05

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that full reading of Resolution No. 8633-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING GENERAL PLAN AMENDMENT NO. GPA-1-05(B) FOR A PARCEL OF LAND LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD WEST OF SUNGROVE STREET AT 12753 TO 12781 GARDEN GROVE BOULEVARD, PARCEL NOS. 231-574-19, 20, 21, AND 22 be and hereby is adopted.

ORDINANCE NO. 2656 was introduced for first reading and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-106-05, CHANGING THE ZONING DESIGNATION FROM HCSP-OP (HARBOR CORRIDOR SPECIFIC PLAN OFFICE PROFESSIONAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-106-05, FOR PROPERTY LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF SUNGROVE STREET, AT 12753 TO 12781 GARDEN GROVE BOULEVARD, PARCEL NOS. 231-574-19, 20, 21, AND 22

It was moved by Council Member Leyes, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2656 be waived, and said Ordinance be and hereby is passed to second reading.

ORDINANCE NO. 2657 was introduced for first reading and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN BGN INVESTMENTS, LP. (DEVELOPER), AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF SUNGROVE STREET, AT 12753 TO 12781 GARDEN GROVE BOULEVARD, PARCEL NOS. 231-574-19, 20, 21, AND 22

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of

Ordinance No. 2657 be waived, and said Ordinance be and hereby is passed to second reading.

PUBLIC HEARING – AMENDMENT NO. A-119-05 (F: 115.A-119-05)
(XR: A-55.301)

Amendment No. A-115-05. The Applicant, Primetime Companies, Inc., is requesting to change the zoning designation from Planned Unit Development (PUD-113-96) to C-1 (Neighborhood Commercial) to construct a 4,400 square foot restaurant (Los Sanchez). The site is located on the southeast corner of Garden Grove Boulevard and Rocking Horse Road at 11906 Garden Grove Boulevard.
(F: 115.A-119-05)

On February 3, 2005, the City Planning Commission, pursuant to Resolutions No. 5482 and No. 5483, recommended approval of A-119-05; and pursuant to Legal Notice published March 11, 2005, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated March 22, 2005, was introduced, and staff reviewed the background information concerning this project.

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

James Diaz noted that he had the same comments as he did under Oral Communications.

Peggy Bergin commented that she is glad that the city is not losing Los Sanchez. She commented that if it is the same restaurant as the one on Harbor Boulevard, it is a good project.

In response to Council Member Krebs, Police Intelligence Sergeant Fowler commented that the Alcoholic Beverage Control License (ABC) is being transferred. Usually the license stays with the address; however, since it is the same business, it is being transferred.

The City Manager commented that the Development Agreement for the property to the east was amended to carve out a piece of property for this project. After the site is remediated and the Olson Company gets clearance to develop, they are obligated to develop a residential use. He noted that staff spent 18 months searching for alternate sites before the owners decided on this site.

Council Member Nguyen inquired whether there will be an outside patio. The City Manager noted that there will be a patio for outside dining. They can have alcohol on the patio as long as it is confined.

Council Member Leyes questioned whether the Police Department recommended against the ABC license because of the crime count. Sergeant Fowler commented that this is a large district and most of the crime count is because of activity on Garden Grove Boulevard. The Police Department looked at the crime count; and although the area is considered high crime, the area is under concentrated and the operator has been operating with a Type "41" License for several years. This has been a good business.

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

ORDINANCE NO. 2658 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-119-05, CHANGING THE ZONING DESIGNATION FROM PLANNED UNIT DEVELOPMENT RESIDENTIAL (PUD-113-96) TO C-1 (NEIGHBORHOOD COMMERCIAL), FOR PROPERTY ON THE SOUTHEAST CORNER OF GARDEN GROVE BOULEVARD AND ROCKINGHORSE ROAD, AT 11906 GARDEN GROVE BOULEVARD, PARCEL NUMBERS 100-504-1, 2, 3, 26, 27, 28, 30, 49, 50, 51, 66, 75, AND 76

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that full reading of Ordinance No. 2658 be waived, and said Ordinance be and hereby is passed to second reading.

RECOMMENDATION FROM THE TRAFFIC COMMISSION MEETING OF MARCH 1, 2005, TO ADD THE INTERSECTION OF WESTMINSTER AVENUE AND DAWSON STREET/HOPE STREET TO THE TRAFFIC SIGNAL PRIORITY LIST (F: 122.11)

Staff report dated March 22, 2005, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Rosen, and carried by unanimous vote, that the intersection of Westminster Avenue and Dawson Street/Hope Street be added to the Traffic Signal Priority List.

RECOMMENDATION FROM THE TRAFFIC COMMISSION MEETING OF MARCH 1, 2005, TO ESTABLISH ADULT CROSSING GUARDS AT THE INTERSECTION OF WARD STREET AND MAST AVENUE AND ON WOODBURY AVENUE WEST OF BROOKHURST STREET (F: 122.11) (XR: 78.8) (XR: 90.5)

Staff report dated March 22, 2005, was introduced.

Council Member Nguyen inquired as to the cost of a school crossing guard. The Traffic Engineer noted that it is approximately \$10,000.

Council Member Nguyen inquired whether the School District pays anything. The Traffic Engineer noted that it does not.

In response to Council Member Krebs, the Traffic Engineer commented that a portion of the intersection of Ward Street and Mast Avenue is in the city of Westminster. However, the City of Westminster feels that students should not use that crosswalk and they should use another. They do not want to share in the cost of the crossing guard.

In response to Council Member Leyes, the Traffic Engineer commented that the Vehicle Code states that if there is a study done and the warrants are met, then a crossing guard must be provided.

It was moved by Council Member Leyes, seconded by Council Member Nguyen, and carried by unanimous vote, that a crossing guard be and hereby is approved on Woodbury Avenue west of Brookhurst Street.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the City Council subcommittee meet with the City of Westminster to discuss the establishment of adult crossing guards at the intersection of Ward Street and Mast Avenue.

SECOND READING OF ORDINANCE NO. 2655

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that full reading of Ordinances No. 2650, No. 2651, No. 2652, and No. 2653, be and hereby is waived.

ORDINANCE NO. 2655 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 ESTABLISHING A PARKS,
RECREATION, AND ARTS COMMISSION (F: 122.70) (XR: 50.2)

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that Ordinance No. 2655 be and hereby is declared passed.

APPOINTMENTS TO CITY COMMISSIONS AND COMMITTEES (F: 122.6a)

It was moved by Council Member Leyes, seconded by Council Member Nguyen, and carried by unanimous vote, that Nila Keith be and hereby is appointed to the Parking and Main Street Commission, as Council Member Leyes' appointee.

ADOPTION OF A RESOLUTION URGING THE STATE OF CALIFORNIA TO MOVE FORWARD TO ESTABLISH A NEW COURTHOUSE FOR THE COURT OF APPEAL IN THE SANTA ANA CIVIC CENTER, AS REQUESTED BY COUNCIL MEMBER ROSEN.
(F: 88.1) (XR: 38.1)

RESOLUTION NO. 8634-05

It was moved by Councilman Krebs, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Resolution No. 8634-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE URGING THE STATE OF CALIFORNIA TO MOVE FORWARD TO ESTABLISH A NEW COURTHOUSE FOR THE COURT OF APPEAL IN THE SANTA ANA CIVIC CENTER, be and hereby is adopted.

Staff was directed to mail a copy of the Resolution to the City of Santa Ana, Assemblyman Tom Umberg, Assemblyman Van Tran, and Senator Joseph Dunn.

MATTERS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Leyes commented that if the Council pursues the requirement that Commission/Committee members be registered voters in the city, they should also pursue a minimum residency requirement. (F: 53.1) (XR: 122.1)

Council Member Rosen also agreed and requested that staff provide information and options on how long that residency requirement should be. He also commented that the Euclid on-ramp to the 22 Freeway will reopen on April 2. (F: 53.1) (XR: 122.1)

Council Member Nguyen commented that she was honored to be part of a group that met with Governor Schwarzenegger to discuss his proposed reforms. (F: 53.1)

Mayor Dalton commented regarding the recent Eagle Scout ceremony he attended for Scott Ross. Scott was diagnosed with leukemia and a brain tumor and worked hard to achieve his Eagle Scout award. He asked everyone to keep Scott in their prayers. (F: 53.1)

Mayor Dalton requested that staff prepare a resolution for adoption at the next meeting commemorating the 30th Anniversary of the Vietnamese refugees in Garden Grove. He also directed staff to look at the Municipal Code regarding graffiti and provide a report on how the fines can be increased. (F: 53.1) (XR: 88.1) (XR: 24.5)

Mayor Dalton wished his son Brian a Happy Birthday on March 26. (F: 53.1)

ADJOURN TO CLOSED SESSION

At 10:28 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 54957.6, the City Council will meet with its negotiator (City Manager) regarding the status of labor negotiations with the Employee Association and the Employee League. Also, pursuant to Government Code section 54957.6, the City Council will meet with its negotiator (City Manager) regarding the status of labor negotiations with the Garden Grove Police Association.

RECONVENE

At 11:44 p.m., the meeting was reconvened with Mayor Dalton and all City Council members in attendance, and it was announced that the status of labor negotiations with the Garden Grove Police Association was discussed, and the status of labor negotiations with the Employee Association and the Employee League was not discussed.

ADJOURNMENT

At 11:45 p.m., the meeting was adjourned to March 29, 2005, at 6:15 p.m. in the Founders Room of the Community Meeting Center, 11300 Stanford Avenue.

PRISCILLA STIERSTORFER
DEPUTY CITY CLERK