

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, December 9, 2008, at 6:35 p.m.

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

ABSENT: (0) NONE

INVOCATION AND PLEDGE

Keith Jones, Public Works Director, gave the Invocation. Council Member Jones led the Pledge of Allegiance to the Flag of the United States of America.

ORAL COMMUNICATIONS FROM THE PUBLIC REGARDING CERTIFICATION OF THE ELECTION

None.

DECLARATION OF RESULTS OF THE GENERAL MUNICIPAL ELECTION AND SEATING OF ELECTED MAYOR AND COUNCIL MEMBERS (F: 58.2.2008)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that full reading of Resolution No. 8862-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2008, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW, be and hereby is adopted.

COURTESY OF THE FLOOR EXTENDED TO OUTGOING COUNCIL MEMBER ROSEN (F: 53.1) (XR: 58.2.2008)

Council Member Rosen thanked the Mayor, Council Members, and City staff for the recent reception held in his honor. He reviewed some highlights and accomplishments of his years of public service and thanked his wife Sandy, his family, and supporters. He commented that it has been an honor to serve the community.

COUNCIL MEMBER ROSEN STEPPED DOWN FROM THE DAIS

OATH OF OFFICE AND CERTIFICATES OF ELECTION (F: 58.2.2008)

Frank Iavarone administered the Oath of Office to Mayor Dalton. The City Clerk presented him with the Certificate of Election, and Mayor Dalton was seated.

Roxanne Chow administered the Oath of Office to Council Member Jones. The City Clerk presented him with the Certificate of Election, and Council Member Jones was seated.

Orange County Supervisor Janet Nguyen administered the Oath of Office to Council Member Do. The City Clerk presented him with the Certificate of Election, and Council Member Do was seated.

COURTESY OF THE FLOOR EXTENDED TO MAYOR DALTON, COUNCIL MEMBER JONES, AND COUNCIL MEMBER DO (F: 53.1) (XR: 58.2.2008)

The Mayor, Council Member Jones, and Council Member Do thanked their families and supporters for the opportunity to serve their community.

RECESS

At 7:02 p.m., the meeting was recessed for a welcome reception.

RECONVENE

At 7:38 p.m., the meeting was reconvened in the Council Chamber.

ROLL CALL: PRESENT: (5) MAYOR DALTON, COUNCIL MEMBERS
BROADWATER, DO, JONES, NGUYEN

ABSENT: (0) NONE

COMMUNITY SPOTLIGHT (F: 52.3)

Mayor Dalton called forward Linda Cahill, Director of Employment Development, and presented her with a plaque in recognition of her retirement after 32 years of service to the City.

COMMUNITY SPOTLIGHT (F: 52.3)

Mayor Dalton called forward Les Jones, Assistant City Manager, and presented him with a plaque in recognition of his retirement after 32 career service years, 17 years of service to the City.

ORAL COMMUNICATIONS – PUBLIC

Bob Owens and Tony Flores addressed the City Council, congratulating Assistant City Manager Les Jones on his retirement and commented on various community and civic matters, including the recent City Council election. (F: 53.3)

Greg Beard addressed the City Council, thanking staff for its efforts in controlling traffic in his neighborhood and requested further enforcement measures be taken. He inquired to whom should conditional use permit violations be reported. (F: 53.3)

Eric Dupre addressed the City Council, regarding Planning Commission decisions relating to development of the Montessori School and the church in his neighborhood. (F: 53.3) (XR: 122.10)

Rod Powell addressed the City Council, urging consideration of placing the fireworks issue on an upcoming ballot. (F: 53.3) (XR: 61.6)

Charles Mitchell addressed the City Council, commenting on the decision to fund the SR-22 improvements using Sanitary District funds. (F: 53.3) (XR: 62.2)

REORGANIZATION OF THE CITY COUNCIL (F: 46.1) (VIP)

It was moved by Mayor Dalton, seconded by Council Member Do, and carried by unanimous vote that Council Member Jones be and hereby is selected as Mayor Pro Tem.

RECESS

At 8:18 p.m., the Mayor declared a recess.

RECONVENE

At 8:35 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

RESOLUTION COMMENDING ASSISTANT CITY MANAGER LES JONES
(F: 52.2)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the Resolution commending Les Jones for his 17 years of dedicated service to the City of Garden Grove, be and hereby is approved.

RESOLUTION COMMENDING LINDA CAHILL, DIRECTOR OF EMPLOYMENT DEVELOPMENT (F: 52.2)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the Resolution commending Linda Cahill for her 32 years of dedicated service to the City of Garden Grove, be and hereby is approved.

RESOLUTION TO INCREASE STREET SWEEPING PARKING VIOLATION FINE
(F: 60.2a) (XR: 24. 3)

Staff report dated December 9, 2008, was introduced.

RESOLUTION NO. 8863-08

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that full reading of Resolution No. 8863-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, REVISING THE MONETARY PENALTY FOR VIOLATION OF SECTION 200 OF CHAPTER 56 OF TITLE 10 OF THE GARDEN GROVE MUNICIPAL CODE, be and hereby is adopted.

2007-08 ANNUAL REPORT FOR THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT (F: A-128.3)

Staff report dated December 9, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the FY 2007-2008 Annual Report be and hereby is approved; and authorize staff to forward the report to the State Controller.

MINUTES (F: Vault)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the minutes of the Regular Meeting of the City Council held November 25, 2008, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that Regular Warrants 430218-431958, Wires W440-W442; and Payroll Warrants 158521 through 158524, and 159149 through 159304; and Direct Deposits D161443 thru D162111, and Wires W1382 through W1385, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

WAIVER OF FULL READING OF ORDINANCES LISTED

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

PUBLIC HEARING - AMENDMENT NO. A-144-08 AMENDING TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE AND ADOPTION OF A NEGATIVE DECLARATION (F: 115.A-144-08)

Amendment No. A-144-08 and adoption of a Negative Declaration.
The Applicant, Principia Enterprise, LLC dba Excelsius Academy, is requesting to amend Planned Unit Development No. PUD-107-96 to add a use, Children's Learning Center, subject to the approval of Conditional Use Permit No. CUP-250-08, for property located on the south side of Trask Avenue, between Magnolia Street and Gilbert Street at 9140 Trask Avenue, Suite 2.

On November 6, 2008, the City Planning Commission, pursuant to Resolution No. 5655, recommended approval of Amendment No. A-144-08.

During the public testimony, no one spoke in favor of or in opposition to the project. Pursuant to Legal Notice published November 27, 2008, Public Hearing on the case was ordered by the City Council to be held this date.

Staff report dated December 9, 2008, 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.

Charles Mitchell commented that due to the economic downturn, the City should do all it can to promote and encourage successful businesses within the City.

Bob Owens commented on the possible negative impact the project would have on the neighborhood.

There being no further response from the audience, the Public Hearing was declared closed.

ORDINANCE NO. 2739 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-144-08, AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-107-96 TO ALLOW A CHILDREN'S LEARNING CENTER, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT

It was moved by Council Member Broadwater, seconded by Council Member Jones, that full reading of all Ordinances listed for consideration of adoption be waived.

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote, that Ordinance No. 2739 be and hereby is passed to second reading.

PUBLIC HEARING - APPEAL OF SITE PLAN NO. SP-433-07 AND CONDITIONAL USE PERMIT NO. CUP 218-07 (F: 116.SP-433-07)

Site Plan No. SP-433-07 and Conditional Use Permit No. CUP 218-07.
The Applicant, Alamitos Congregation of Jehovah's Witnesses, requested Site Plan and Conditional Use Permit approval to allow the demolition of an existing 3,147 square foot religious building and to reconstruct and operate a 4,176 square foot religious building on an existing 39,000 square foot lot in the R-1 (Single-Family Residential) Zone.

On November 6, 2008, the City Planning Commission, pursuant to Resolution No. 5662, approved Site Plan No. SP-433-07 and Conditional Use Permit No. CUP-218-07. In response to concerns raised during the public testimony, the Planning Commission modified the conditions of approval to include no deliveries before 7:00 a.m. and not after 8:00 p.m., and that no construction would be allowed on Sundays and Federal Holidays.

Council Member Broadwater filed an appeal of the Site Plan and Conditional Use Permit on November 21, 2008. Pursuant to Legal Notice published November 27, 2008, Public Hearing on the case was ordered by the City Council to be held this date.

Staff report dated December 9, 2008, was introduced and reviewed by staff.

Council Member Broadwater indicated that he appealed the Planning Commission's decision in order to remove the restriction not allowing construction on Sundays and holidays.

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

Eric Dupre, Greg Beard, Bob Owens, Tony Flores, Elaine Steele, and Peggy Bergin spoke in support of the Planning Commission's decision to limit constructions days and times. Each one raised concerns regarding the impact the construction project has had on the neighborhood.

Woody Kist, Enid Norris, Rob Latta, Thomas Jaramillo, Kristopher Maher, and Charles Slay, spoke in support of Council Member Broadwater's appeal to allow construction on Sundays and holidays.

There being no further response from the audience, the Public Hearing was declared closed.

In response to Council Member Do's question, Mr. Kist indicated that most of the work is conducted on weekends by volunteers.

RESOLUTION NO. 8864-08

Council Member Broadwater moved, seconded by Mayor Dalton, that full reading of Resolution No. 8864-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE APPEAL AND OVERTURNING THE PLANNING COMMISSION'S DECISION TO MODIFY THE CONDITIONS OF APPROVAL TO SITE PLAN NO. SP-433-07 AND CONDITIONAL USE PERMIT NO. CUP-218-07, be adopted.

Said motion carried by the following vote:

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

SECOND READING OF ORDINANCE NO. 2738

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that full reading of all Ordinances listed for consideration of adoption be waived.

ORDINANCE NO. 2738 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 ADOPTING A NEGATIVE DECLARATION AND APPROVING CODE AMENDMENT NO. A-142-08, CHANGING THE ZONING DESIGNATION FROM O-P (OFFICE PROFESSIONAL) TO C-1 (NEIGHBORHOOD COMMERCIAL) (F: 115.A-142-08)

Following the reading of the Ordinance title, it was moved by Council Member Nguyen, seconded by Mayor Dalton, and carried by unanimous vote that Ordinance No. 2738 be and hereby is declared adopted.

DISCUSSION OF STANDARDIZED CONDITIONS OF APPROVAL RESTRICTING HOURS OF CONSTRUCTION, AS REQUESTED BY COUNCIL MEMBER BROADWATER (F: 50.1) (XR: 53.1)

Council Member Broadwater announced that he would be pulling this item.

DISCUSSION OF CITY COMMISSION APPOINTMENTS, AS REQUESTED BY MAYOR DALTON (F: 122.1) (XR: 53.1)

Mayor Dalton announced that anyone wishing to serve on a City Commission must submit an application to the City Clerk's Office.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER:

In response to Greg Beard's comments, Council Member Broadwater asked for clarification where violations to conditional use permits are reported. (F: 53.1) (XR: 80.1)

Council Member Nguyen requested staff look into ways to better monitor asbestos in buildings prior to demolition. (F: 53.1) (XR: 80.1)

Council Member Jones thanked Council Member Rosen for his dedication to the community, and pledged to think "outside the box" as Council Member Rosen did in considering matters. (F: 53.1)

Council Member Do requested staff consider what traffic infrastructure projects could be submitted when economic packages are approved. He requested additional information on a recent accident on Yockey Street. (F: 53.1) (XR: 80.1)

Mayor Dalton commented on the new make-up of the City Council, indicating that he is looking forward to working together for the good of the community. (F: 53.1)

ADJOURN TO CLOSED SESSION

At 9:15 p.m., under the Ralph M. Brown Act, the Closed Session was adjourned to Closed Session in the Founders Room to discuss the following:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Section 54956.9(b):
Three (3) Cases

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Section 54956.9(a) (3 cases)

Name of cases: Allen Bone v. The City of Garden Grove;

Ornelas v. City of Garden Grove; Santos, et al. v. City of Garden Grove

RECONVENE IN OPEN SESSION

At 10:44 p.m., the meeting was reconvened in Open Session with Mayor Dalton and all Council Members in attendance. Mayor Dalton announced that the Closed Session items previously announced were discussed, and there was no reportable action.

ADJOURNMENT

At 10:45 p.m. the meeting was declared adjourned to Tuesday, December 16, 2008, at 5:30 p.m. at the Garden Grove Community Meeting Center, 11300 Stanford Avenue, Garden Grove, in the Council Chamber.

KATHLEEN BAILOR
CITY CLERK

MINUTES

GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT

A Regular Meeting of the Garden Grove Agency for Community Development was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, December 9, 2008, at 7:51 p.m.

ROLL CALL: PRESENT: (5) CHAIR BROADWATER, MEMBERS DALTON,
DO, JONES, NGUYEN

ABSENT: (0) NONE

ORAL COMMUNICATIONS - PUBLIC

None.

RECESS

At 8:17 p.m., the Chair declared a recess.

RECONVENE

At 8:19 p.m., the meeting was reconvened with Chair Broadwater and all Members present.

SELECTION OF CHAIR AND VICE CHAIR (F: A-10.6)

It was moved by Member Dalton, seconded by Member Jones, and carried by unanimous vote, that Member Broadwater be reselected as Chair.

It was moved by Member Dalton, seconded by Member Jones, and carried by unanimous vote, that Member Nguyen be reselected as Vice Chair.

MINUTES (F: Vault)

It was moved by Member Dalton, seconded by Member Jones, and carried by unanimous vote, that the minutes of the Regular Agency Meeting held November 25, 2008, be and hereby are approved.

2007-08 ANNUAL REPORT FOR THE GARDEN GROVE AGENCY FOR
COMMUNITY DEVELOPMENT, WITH TRANSMITTAL TO THE CITY COUNCIL
(F: A-128.3)

Staff report dated December 9, 2008, was introduced, providing a review of the Agency's activities undertaken during the fiscal year. It was noted under the California Community Redevelopment Law, this Annual Report must be presented to the Agency, transmitted to the City Council, and then transmitted to the State Controller within six months of the end of the fiscal year. Additionally, a PowerPoint presentation was shown.

It was moved by Member Nguyen, seconded by Member Dalton, and carried by unanimous vote, that the FY 2007-08 Annual Report for the Garden Grove Agency for Community Development, be and hereby is approved and forwarded to the City Council for approval.

ADJOURNMENT

At 8:28 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
SECRETARY

MINUTES

GARDEN GROVE SANITARY DISTRICT

An Adjourned Regular Meeting of the Garden Grove Sanitary District Board of Directors was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, December 9, 2008, at 7:51 p.m.

ROLL CALL: PRESENT: (5) PRESIDENT DALTON, MEMBERS BROADWATER, DO, JONES, NGUYEN

ABSENT: (0) NONE

ORAL COMMUNICATIONS – PUBLIC

None.

RECESS

At 8:17 p.m. the President declared a recess.

RECONVENE

At 8:29 p.m. the meeting was reconvened with President Dalton and all Members present.

SELECTION OF PRESIDENT AND VICE PRESIDENT (F: S-46.1) (VIP)

It was moved by Member Nguyen, seconded by Member Jones, and carried by unanimous vote, that President Dalton be and hereby is reselected as President.

It was moved by Member Nguyen, seconded by Member Jones, and carried by unanimous vote, that Member Do be and hereby is selected as Vice President.

MINUTES (F: Vault)

It was moved by Member Broadwater, seconded by Member Nguyen, and carried by unanimous vote that the minutes of the Regular Meeting of the Sanitary District Board held November 25, 2008, be and hereby are approved.

ADJOURNMENT

At 8:31 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
SECRETARY



AGENDA

Special Meeting

INDUSTRIAL DEVELOPMENT AUTHORITY

Community Meeting Center
11300 Stanford Avenue

December 9, 2008

Council Chamber

ROLL CALL: MEMBER BROADWATER, MEMBER DALTON, MEMBER DO,
VICE CHAIR JONES, CHAIR NGUYEN

All Members present.

Members of the public desiring to speak on any item of public interest, including any item on the agenda except Public Hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address Public Hearing items shall do so at the time of the Public Hearing.

Any person requiring auxiliary aids and services due to a disability should contact the City Clerk's Office to arrange for special accommodations. (City Council Manual of Procedures, Section D).

All revised or additional documents and writings related to any items on the agenda, which are distributed to all or a majority of the Members within 72 hours of a meeting, shall be available for public inspection (1) at the City Clerk's Office during normal business hours; and (2) at the City Council Chamber at the time of the meeting.

Agenda item descriptions are intended to give a brief, general description of the item to advise the public of the item's general nature. The Authority may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

Open Session

7:51 p.m.

1. ORAL COMMUNICATIONS – PUBLIC: (To be held simultaneously with City Council, Agency, and Sanitary District Oral Communications.)

None relevant to the Authority.

RECESS: 8:17 p.m.

COUNCIL MEMBERS: MEMBER BROADWATER, MEMBER DALTON, MEMBER DO,
VICE CHAIR JONES, CHAIR NGUYEN

RECONVENE: 8:32 p.m.

2. REORGANIZATION OF THE AUTHORITY:

2.a. Selection of Chair and Vice Chair. (F: I-10.3) (VIP)

ACTION: Chair Nguyen reselected as Chair.
(5 Ayes.)

ACTION: Vice Chair Jones reselected as Vice Chair.
(5 Ayes.)

3. CONSENT ITEMS: (It is recommended that Items 3.a. and 3.b. be acted on simultaneously unless separate discussion and/or action are requested by an Authority Member.)

3.a. Annual Report for the Industrial Development Authority. (F: I-128.1)

ACTION: Received and filed.
(5 Ayes.)

3.b. Minutes of the Special Meeting of the Industrial Development Authority held December 11, 2007. (F: Vault)

ACTION: Approved.
(5 Ayes.)

4. ITEMS FOR CONSIDERATION: None.

5. MATTERS FROM AUTHORITY MEMBERS: None.

6. ADJOURNMENT: 8:34 p.m.