

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 10, 2009, at 6:05 p.m.

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

ABSENT: (0) NONE

PUBLIC INPUT ON CLOSED SESSION ITEM

None.

ADJOURN TO CLOSED SESSION

At 6:06 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room to discuss the following:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8

Properties: Includes the following parcels listed by address and Assessor Parcel Numbers (APNs). 13096 Blackbird Street (101-011-09, 101-433-30, and 101-433-41) and 13741 Clinton Street (101-151-01).

City's Negotiators: Matthew Fertal, City Manager; and Chet Yoshizaki, Economic Development Director.

Negotiating Parties: Lee M. Kort for Kort and Scott Financial Group; and Dan Fischer for Fischer Investment Group.

Under Negotiation: To seek direction from the City Council about negotiations to sell certain real property and the parameters for price and terms of payment related to such real property sale.

RECONVENE IN OPEN SESSION

At 6:45 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

It was announced that the previously disclosed item was discussed and no reportable action was taken.

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.

PRESENTATION - COMMUNITY SPOTLIGHT

Mayor Dalton called forward Dr. and Mrs. Les Malo, owners of the Garden Grove Dog & Pet Hospital and Animal Inns of America. They have been named the 2009 Central County Regional Occupational Program's Business Leader of the Year. The Mayor presented each of them with certificates of recognition, and the City Council thanked them for their efforts in mentoring our young people and keeping Garden Grove the "City of Youth and Ambition." (F: 52.3)

PRESENTATION BY THE ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION (F: 52.3) (X: 23.12)

Carolyn Emery, Senior Project Manager with Orange County Local Agency Formation Commission (LAFCO), provided an update on LAFCO's latest activities.

ORAL COMMUNICATIONS – PUBLIC

Paul Young addressed the City Council, thanking the City for its quick response to his concerns regarding the graffiti on the block walls lining Water Works Way. (F: 53.3)

Christine Payette addressed the City Council, providing information on the upcoming Relay for Life events in Garden Grove. She thanked the City Council for its past support, and invited them to participate again this year. (F: 53.3)

Rod Powell addressed the City Council, regarding the use of fireworks in the city and the Grand Jury fireworks report. (F: 53.3) (XR: 61.6)

Peggy Bergin and Tony Rector addressed the City Council/Agency, regarding their purchasing practices. (F: 53.3) (XR: A-53.3)

David Vill addressed the City Council, announcing that the Garden Grove Chapter of AARP is celebrating its 35th anniversary. He presented Mayor Dalton with a certificate and an honorary membership to AARP. (F: 53.3)

RECESS

At 7:26 p.m., the Mayor declared a recess.

RECONVENE

At 7:39 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

ANNUAL REPORT OF DEVELOPMENT IMPACT FEES REQUIRED BY GOVERNMENT CODE SECTION 66006(B) (F: 60.2D) (XR: 60.2) (XR: 24.11)

Staff report dated March 10, 2009, was introduced.

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that the Annual Report on Development Impact Fees activity as required by Government Code Section 66006(b), be and hereby is received and filed.

AGREEMENT WITH THE JERDE PARTNERSHIP, INC. TO PROVIDE PRE-DEVELOPMENT SERVICES FOR THE BROOKHURST TRIANGLE (F: 55) (XR: A-116.7) (XR: 57.1)

Staff report dated March 10, 2009, was introduced.

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and The Jerde Partnership, Inc., to provide pre-development services for the Brookhurst Triangle, in the amount of \$50,000, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

PURCHASE ORDER TO THEODORE ROBINS FORD FOR A PRISONER
TRANSPORT VEHICLE (F: 60.4) (XR: 24.1)

Staff report dated March 10, 2009, was introduced.

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that the purchase of a prisoner transport vehicle be and hereby is approved; and the Finance Director is authorized to issue a purchase order in the amount of \$21,105.98 to Theodore Robins Ford for said purchase.

PURCHASE ORDER TO MCPEEK DODGE FOR A DETECTIVE VEHICLE (F: 60.4)
(XR: 24.1)

Staff report dated March 10, 2009, was introduced.

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that the purchase of one new Dodge detective vehicle be and hereby is approved; and the Finance Director is authorized to issue a purchase order in the amount of \$20,299.15 to McPeek Dodge for said purchase.

PURCHASE ORDER TO THEODORE ROBINS FORD FOR THREE PICK-UP
TRUCKS (F: 60.4) (XR: 24.1)

Staff report dated March 10, 2009, was introduced.

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that the purchase of three new Ford Ranger pick-up trucks be and hereby is approved; and the Finance Director is authorized to issue a purchase order in the amount of \$44,602.87 to Theodore Robins Ford for said purchase.

PURCHASE ORDERS TO CONSOLIDATED ELECTRICAL DISTRIBUTORS,
WALTERS WHOLESALE ELECTRIC COMPANY, AND GRAINGER FOR
ELECTRICAL PARTS (F: 60.4) (XR: 24.1)

Staff report dated March 10, 2009, was introduced.

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that purchase orders for electrical parts in the fixed amount collectively not to exceed \$150,000 per year for five years, divided between Consolidated Electrical Distributors, Walters Whole Electric Company, and Grainger, be and hereby are

approved; and may be renewed annually following review by the City Manager.

FINAL PARCEL MAP NO. 2007-126 FOR PROPERTY LOCATED AT 13321 NINA PLACE (F: 118.PM-2007-126) (XR: 24.11)

Staff report dated March 10, 2009, was introduced.

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that the Final Parcel Map No. 2007-126 for property located 13321 Nina Place, be and hereby is approved.

FINDINGS PURSUANT TO CALIFORNIA REDEVELOPMENT LAW SECTION 33130.5 – WRITTEN DISCLOSURE FROM COUNCIL/AGENCY MEMBER AS PUBLIC OFFICIAL; DIRECTION TO AGENCY FOR ENTRY OF DISCLOSURE ON AGENCY MINUTES (F: A-30.A) (XR: 44.2)

This matter was heard later in the meeting.

MINUTES (F: Vault)

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that the minutes of the Regular Meeting of the City Council held January 27, 2009, be and hereby are received and filed.

WARRANTS (F: 60.5)

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that Regular Warrants 436612-438218; and Payroll Warrants 160491 through 160647, Direct Deposits D166098 thru D166769, and Wires W1416 thru W1419, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

AUTHORIZE PARTICIPATION IN ORANGE COUNTY'S PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANT AS A SUBRECIPIENT, INCLUDING THE PURCHASE OF 68 PORTABLE RADIOS (F: 82.15) (XR: 82.1)

Staff report dated March 10, 2009, was introduced.

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that the purchase of 68 portable radios through the County's Public Safety Interoperable Communications (PSIC) Grant Program be and hereby is approved.

WAIVER OF FULL READING OF ORDINANCES LISTED

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

FINDINGS PURSUANT TO CALIFORNIA REDEVELOPMENT LAW SECTION 33130.5 – WRITTEN DISCLOSURE FROM COUNCIL/AGENCY MEMBER AS PUBLIC OFFICIAL; DIRECTION TO AGENCY FOR ENTRY OF DISCLOSURE ON AGENCY MINUTES (F: A-30.A) (XR: 44.2)

Due to a conflict of interest, Member Jones recused himself from this matter.

COUNCIL MEMBER JONES LEFT THE MEETING AT 7:41 P.M.

Staff report dated March 10, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote of those present that the City Council authorizes entry of the purchase by Council/Agency Member Jones of 12555 Euclid Street, #99, Garden Grove, on the City Council minutes pursuant to CRL Section 33130.5.

COUNCIL MEMBER JONES RETURNED TO THE MEETING AT 7:43 P.M.

PUBLIC HEARING - APPEAL OF CONDITIONAL USE PERMIT NO. CUP-253-08 FOR THE CAN RESTAURANT & CLUB LOCATED NORTH OF BUSINESS CENTER PARKWAY, SOUTH OF FORBES AVENUE ON THE WEST SIDE OF EUCLID STREET AT 14241 EUCLID STREET, SUITE C-101 (F: 51.CUP-253-08)

The City Manager referenced a request for a continuance of this matter received from Andrew W. Couch, Lawyer, representing the CAN Restaurant and Nightclub.

Mayor Dalton inquired of the members of the audience if anyone's schedule would prevent them from addressing the City Council at the March 24, 2009, meeting regarding this matter. One audience member approached the dais.

Mayor Dalton declared the Public Hearing opened.

The member of the audience requested the City Council uphold the Planning Commission's Conditions of Approval for the CAN Restaurant and Club. She cited the negative impacts on the neighborhood due to

the noise from the restaurant and the restaurant serving alcohol to minors.

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote that this matter be continued to March 24, 2009.

AMENDMENT NO. A-145-08 AND ADOPTION OF A NEGATIVE DECLARATION. THE APPLICANT, SARAH PHAN, IS REQUESTING A ZONE CHANGE AMENDMENT FROM CCSP-BC29 (COMMUNITY CENTER SPECIFIC PLAN-BUSINESS CENTER, DISTRICT 29) TO CCSP-BC17 (COMMUNITY CENTER SPECIFIC PLAN-BUSINESS CENTER, DISTRICT 17) TO OPERATE A NEW AUTO BODY SHOP FOR PROPERTY LOCATED ON THE SOUTH SIDE OF PEARL STREET, BETWEEN JOY STREET AND NELSON STREET AT 10712 PEARL STREET (F: 115.A-145-08)

It was noted that this matter was continued from the City Council meeting of February 10, 2009.

Staff report dated February 10, 2009, was re-introduced. The Ordinance was introduced for first reading and the title read in full at the February 10, 2009, City Council meeting.

Council Member Broadwater indicated that based on concerns raised at the February 10, 2009, meeting regarding parking, he assessed the site to determine if he could observe any impact on parking. He observed that parking was not an issue. He objects to the fact that five variances are required to keep the project as two lots. He cannot envision how it would work or function as two lots, and believes if one of the lots were sold, there would be an impact with parking. He cannot support the project as presented.

Mayor Dalton commented he too could not find any foundation for the parking concerns raised at the February 10, 2009, meeting. He supports allowing business owners to take advantage of opportunities to prosper. This project could spur future development on this street. There are codes in place should street parking become an issue in the future. He indicated he would support the project.

Council Member Do commented that this is a difficult decision. However, decisions made on what may or may not happen in the future would be unfair to the current owner. Based on the current owner's record, he does not see that the proposed use would have an adverse affect to the neighborhood. He indicated he would support the project.

Council Member Jones indicated the variances requested are benign, and the project meets all parking code requirements. He indicated that he would support the project.

Council Member Nguyen commented the project provides space for cars waiting for service, and street parking would not be needed. The project is an improvement to the lot and the area, and she indicated she would support the project.

ORDINANCE NO. 2742 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING AMENDMENT NO. A-145-08, TO CHANGE THE ZONE OF THE SUBJECT PROPERTY, LOCATED AT 10712 PEARL STREET, FROM CCSP-BC29 (COMMUNITY CENTER SPECIFIC PLAN – BUSINESS CENTER, DISTRICT 29) TO CCSP-BC17 (COMMUNITY CENTER SPECIFIC PLAN – BUSINESS CENTER, DISTRICT 17) TO OPERATE A NEW AUTO BODY SHOP

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

Council Member Do moved, seconded by Council Member Jones that Ordinance No. 2742 be and hereby is passed to second reading. Said motion carried by the following vote:

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

CONSIDERATION OF SUBMISSION REQUIREMENTS FOR CONDITIONAL USE PERMIT APPLICATIONS, AS REQUESTED BY COUNCIL MEMBER DO AND COUNCIL MEMBER JONES (F: 51.1) (XR: 80.1)

Council Member Do and Council Member Jones discussed the number of blueprints required from applicants when projects are submitted to the Planning Division. The cost could be burdensome, depending on the size of the project and the number of modifications made.

Following City Council discussion, it was the consensus that Council Member Do meet with staff to see what allowances are being made on a case by case basis, and what, if any, modifications could be made in the submission requirements.

APPOINTMENTS TO CITY COMMISSIONS (F: 122.1)

It was moved by Mayor Dalton, seconded by Council Member Jones, and carried by unanimous vote that Stan Beitler, Myke Cossota, Kenneth Lee, Ronald Pierce, and M. Chona Preston, be and hereby are appointed to the City's Administrative Board of Appeals.

It was moved by Mayor Dalton, seconded by Council Member Jones, and carried by unanimous vote that Allison Hanna, Lucille Freer, Jerry Kill, Yaman Kahf, Ricardo Mendoza, Robin Marcario, and Dante Salazar be and hereby are appointed to the City's Neighborhood Improvement and Conservation Commission.

It was moved by Mayor Dalton, seconded by Council Member Jones, and carried by unanimous vote that Doug Coleman, Hooshang Farahmand, Jeremy Harris, Peter Katz, Bruce Nguyen, Audrey Pecor, and Rebecca Weimer be and hereby are appointed to the City's Parking and Main Street Commission.

It was moved by Mayor Dalton, seconded by Council Member Jones, and carried by unanimous vote that Chan Chung, Gigi Horowitz, Gary Lazenby, Dorothy Malcolm, Enzo Selvaggi, Marilyn Tortolano, and Jack Wallin be and hereby are appointed to the City's Parks, Recreation and Arts Commission.

It was moved by Mayor Dalton, seconded by Council Member Jones, and carried by unanimous vote that Kris Beard, Phat Bui, Thomas Bonikowski, Jennifer Cabral, Dennis Ellsworth, Eugene Kirkham, and Bruce Tran be and hereby are appointed to the City's Planning Commission.

It was moved by Mayor Dalton, seconded by Council Member Jones, and carried by unanimous vote that Randy Arbgast, George Brietigam, Charles Mitchell, Harry Pearce, and Linda Rogers be and hereby are appointed to the City's Sanitary District Advisory Commission.

It was moved by Mayor Dalton, seconded by Council Member Jones, and carried by unanimous vote that Nolan Alejandro, Kathryn Feather, Joseph Pak, Brian Nguyen, and John Rodriguez be and hereby are appointed to the City's Traffic Commission.

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

Council Member Nguyen encouraged residents to check the City's website to see the specials Garden Grove businesses are offering. She thanked the Board of Supervisors and Mayor Dalton for their efforts in bringing a Dog Park to Garden Grove. She responded to comments made regarding the City's purchasing practices, and the benefits to the City and community realized by past hotel development. (F: 53.1)

Council Member Jones commented on the City's commitment to developing the Brookhurst Triangle. (F: 53.1)

Council Member Do announced he missed the last City Council meeting due to a working trip to Washington D.C. He thanked staff for putting together a list of "shovel ready" projects that he was able to bring with him when meeting with congressional members in our area, as well as Senator Boxer, promoting stimulus projects for our city. He commented that Supervisor Nguyen funded the Dog Park from District One's Park & Recreation Budget. (F: 53.1)

Mayor Dalton commented on the West Garden Grove Little League parade and the City-hosted Foreclosure Prevention Workshop held recently. He offered his condolences to the Jim Klein and Michael Lobin families on their recent loss. (F: 53.1)

ADJOURNMENT

At 8:27 p.m., the meeting was declared adjourned in memory of Jim Klein and Michael Lobin. (F: 46.9)

KATHLEEN BAILOR
CITY CLERK