

## MINUTES

### GARDEN GROVE CITY COUNCIL

A Regular Meeting of the City Council of the City of Garden Grove was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, February 10, 2009, at 6:00 p.m.

ROLL CALL: PRESENT: (3) MAYOR DALTON, COUNCIL MEMBERS  
BROADWATER, JONES

ABSENT: (2) COUNCIL MEMBER DO (Absent at Roll Call.  
Joined the meeting at 6:03 p.m.)  
COUNCIL MEMBER NGUYEN (Absent at Roll  
Call. Joined the meeting at 6:07 p.m.)

#### PUBLIC INPUT ON CLOSED SESSION ITEM

None.

#### ADJOURN TO CLOSED SESSION

At 6:01 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 LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(a)  
City of Garden Grove v. Superior Court of Orange County  
(Felix Kha, Real Party in Interest)  
Orange County Superior Court Case No. GG98995;  
Court of Appeal Case No. G036250

#### RECONVENE IN OPEN SESSION

At 6:34 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 Jay and Eleanor Mastroianni, and presented them with a resolution honoring them as the 2009 Cypress College Americana's Garden Grove Citizens of the year. (F: 52.3)

#### PRESENTATION - COMMUNITY SPOTLIGHT

Mayor Dalton called forward Raul Gonzalez and Dante Urzua, and presented each of them with certificates of recognition and small tokens of appreciation for their valuable contributions to Santiago High School as recipients of the SchoolsFirst Extreme Classroom Makeover. (F: 52.3)

#### ORAL COMMUNICATIONS – PUBLIC

Beatrice Jones addressed the City Council, announcing upcoming Black History Month events and celebrations sponsored by the Santa Ana Black Historical Society. She thanked the City Council for past support. (F: 53.3)

Rod Powell and Verla Lambert addressed the City Council, commenting on various community and civic matters, including fireworks and redevelopment. (F: 53.3)

#### RECESS

At 7:00 p.m., the Mayor declared a recess.

#### RECONVENE

At 7:03 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

PROCLAMATION DECLARING MARCH 7, 2009, AS ARBOR DAY (F: 83.1)

Staff report dated February 10, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that March 7, 2009, be and hereby be designated as Arbor Day.

PROCLAMATION DECLARING FEBRUARY 15-21, 2009, AS NATIONAL ENGINEERS WEEK (F: 83.1)

Staff report dated February 10, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that February 15-21, 2009, be and hereby be designated as National Engineers Week.

AGREEMENT WITH THE BOYS AND GIRLS CLUB OF GARDEN GROVE TO PROVIDE JUVENILE DIVERSION SERVICES (F: 55) (XR: 82.1)

Staff report dated February 10, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and The Boys and Girls Club of Garden Grove, to provide juvenile diversion services for the period of April 1, 2008, through June 30, 2010, funded by the Gang Reduction, Intervention and Prevention Grant Program in the amount of \$240,000, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Regular Warrants 433950-435802, Wires W460-W463; and Payroll Warrants 160112 through 160332, Direct Deposits D164773 thru D165436, and Wires W1410 thru W1411, and Wire W1405, 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 Nguyen, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

## PUBLIC HEARING - NEIGHBORHOOD STABILIZATION PROGRAM FUNDING OPPORTUNITIES (F: 117.10J) (XR: 57.6)

Staff report dated February 10, 2009, was introduced and reviewed by staff.

The federal Economic Recovery Act (2008) is granting funds to deal with abandoned and foreclosed properties under the Neighborhood Stabilization Program (NSP). A total of \$3.92 billion has been allocated nationwide. Garden Grove is eligible for a maximum award of \$1,180,823; and the City of Westminster, which Garden Grove is partnering with, is eligible for a maximum award of \$340,641.

NSP funds are designed to address the high number of foreclosures, homes financed by subprime mortgage loans, and the high percentage of homes already in default. Currently, the City funds a First Time Homebuyers Program to assist low-income applicants to qualify to purchase their first home. It is anticipated that this additional funding could fund up to 30 additional homes. HUD requires two public hearings prior to submitting an application for funding.

Tonight's Public Hearing is to provide an opportunity for comments on the eligible activities.

After City Council discussion on the application process and income requirements, Mayor Dalton declared the Public Hearing opened and asked if anyone wished to address the City Council on this matter.

Peggy Bergin inquired as to how one could qualify for a loan, and locations of homes that are affordable.

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

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the public comments regarding the five eligible options for the design of the Neighborhood Stabilization Program be and hereby are accepted; and staff was

directed to apply for Neighborhood Stabilization Program funding for a homebuyer program.

PUBLIC HEARING - AMENDMENT NO. A-145-08 AND ADOPTION OF A  
NEGATIVE DECLARATION (F: 115.A-145-08)

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.

On December 4, 2008, the City Planning Commission approved Site Plan No. SP-460-08 and Variance No. V-180-08, and pursuant to Resolution No. 5660, recommended approval of Amendment No. A-145-08. Pursuant to Legal Notice published January 29, 2009, a Public Hearing on the case was ordered by the City Council to be held this date.

Staff report dated February 10, 2009, was introduced and reviewed by staff.

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

The Ordinance was introduced for first reading and the title read in full, 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

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

Charlie Zabinski, Peggy Bergin, and Richard Princler expressed concern that the parking in this area has not been fully addressed. The expansion of the auto body shop could cause further difficulty on the

neighborhood that is already impacted by business and residential parking.

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

Mayor Dalton commented that the project would improve the looks of the street, and that he is in support of this project to allow the business owner the right to expand his business.

Mayor Dalton moved, seconded by Council Member Nguyen that the Ordinance be passed to second reading.

Council Member Broadwater stated that based on the public comments he could not support the project tonight. He wants to take the opportunity to take another look at the site.

Council Member Jones commented that since the project meets the code requirements for parking, it would be unfair to deny the Applicant's request.

Council Member Broadwater moved a substitute motion, seconded by Council Member Do, that the matter be continued to the March 10, 2009, City Council meeting.

Sarah Phan, the applicant, answered the City Council's questions regarding the project. She indicated that cars would not be parked on the street.

After further discussion, the foregoing substitute motion carried by the following vote:

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

#### SECOND READING OF ORDINANCE NO. 2740 AND NO. 2741

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

ORDINANCE NO. 2740 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 A MODIFICATION TO APPROVED PLANS UNDER PLANNED UNIT DEVELOPMENT NO. PUD-110-06 REVISED '08, REDUCING THE DENSITY FROM 159 DWELLING UNITS TO 118 DWELLING UNITS AND CHANGING THE SITE PLAN DESIGN (F: 116.PUD-110-06Rev'08) (XR: 80.1)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that Ordinance No. 2740 be and hereby is declared adopted.

ORDINANCE NO. 2741 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 PLANNED UNIT DEVELOPMENT NO. PUD-122-08, CHANGING THE ZONING DESIGNATION FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-122-08 (F: 116.PUD-122-08)

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that Ordinance No. 2741 be and hereby is declared adopted.

APPOINTMENTS TO VARIOUS CITY COUNCIL COMMITTEES AND AD HOC COMMITTEES (F: 122.1)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that Mayor Dalton and Council Member Do be and hereby are appointed as Representatives to the Garden Grove Boulevard Business Area Committee. (F: 46.1)

It was moved by Council Member Jones, seconded by Council Member Nguyen, and carried by unanimous vote that appointments to the Sanitary District Liaison Committee be continued to the March 10, 2009, City Council meeting. (F: S-74.2)

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that Mayor Dalton and Council Member Nguyen be and hereby are appointed as Representatives to the Fire Training Joint Powers Authority. (F: 64.1)

It was moved by Council Member Do, seconded by Council Member Broadwater, and carried by unanimous vote that Council Member Jones be and hereby is appointed as the Representative to the Orange County Council of Governments. (F: 74.11B)

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote that Council Member Do be and hereby is appointed as the Representative, and Council Member Nguyen be and hereby is appointed as the Alternate to the Orange County Public Library Advisory Board. (F: 68.3)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that appointments to the Orange County Sanitation District Board be continued to the March 10, 2009, City Council meeting. (S-74.2)

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that Mayor Dalton be and hereby is appointed as the Representative, and all other Council Members be and hereby are appointed as the Alternate to the Orange County Transportation Authority Measure "M" Growth Management GMA 2, GMA 3, GMA 6 Elected Officials Forum. (F: 23.18)

It was moved by Mayor Dalton, seconded by Council Member Do, and carried by unanimous vote that Council Member Jones be and hereby is appointed as the Representative to the Orange County Transportation Authority I-405 Policy Working Group. (F: 23.18)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that Council Member Broadwater be and hereby is appointed as the Representative to the Orange County Water District Master Plan Advisory Group. (F: 112.6A)

It was moved by Mayor Dalton, seconded by Council Member Do, and carried by unanimous vote that Council Member Broadwater be and hereby is appointed as the Representative to the Santa Ana River Flood Protection Agency. (F: 74.2)

It was moved by Council Member Jones, seconded by Council Member Broadwater, and carried by unanimous vote that Mayor Dalton be and hereby is appointed as the Representative, and Council Member Do be and hereby is appointed as the Alternate to the West Orange County Water Board. (F: 112.9)



DISCUSSION OF RECREATION VEHICLE PARKING FINES, AS REQUESTED BY  
COUNCIL MEMBER BROADWATER

Council Member Broadwater removed this matter from the agenda.

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

Mayor Dalton announced that appointments to the various City commissions would be discussed at the March 10, 2009, meeting.  
(F: 53.1)

Council Member Nguyen encouraged residents to buy in Garden Grove. She requested additional information from staff regarding the low-income housing program as it relates to purchasing mobile homes. She congratulated the Union of Vietnamese Student Associations of Southern California for a successful TET Parade and TET Festival.  
(F: 53.1) (XR: 107.1) (XR: 42.8A)

Council Member Do invited residents to celebrate the diversity of the community by participating in the Black History Month activities announced by Ms. Jones. (F: 53.1)

ADJOURNMENT

At 7:53 p.m. the meeting was declared adjourned in memory of Ruben Lobato and Louise Fossum. (F: 46.9)

KATHLEEN BAILOR  
CITY CLERK