

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 24, 2009, at 6:35 p.m.

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

ABSENT: (1) COUNCIL MEMBER DO

INVOCATION AND PLEDGE

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

PRESENTATION - COMMUNITY SPOTLIGHT

Mayor Dalton called forward Spencer Varalyai, Rena Lace, Anthony Castaneda, and Alma Salazar, the Boys and Girls Clubs of Garden Grove "Youth of the Year" Award Recipients, and presented each of them with a certificate and memento in recognition of their influential roles in the community and at their clubs. (F: 52.3) (XR: 74.3)

PRESENTATION BY THE ORANGE COUNTY TRANSPORTATION AUTHORITY REGARDING THE I-405/605 WEST COUNTY CONNECTORS PROJECT AND THE I-405 IMPROVEMENT PROJECT (F: 52.3) (XR: 23.18) (XR: 62.1)

Nile Barrett, Project Manager of the West County Connectors Project and Rose Casey, Project Manager of the I-405 Improvement Project provided status reports.

ORAL COMMUNICATIONS – PUBLIC

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

Alan Young addressed the City Council, regarding graffiti on the block walls that line Water Works Way. He suggested landscaping and lighting be installed as a deterrent to taggers. (F: 53.3) (XR: 24.5)

Charles Mitchell addressed the City Council, concerning Smart & Final moving to Stanton, and shared experiences he has had as a Code Enforcement volunteer. (F: 53.3)

RECESS

At 7:17 p.m., the Mayor declared a recess.

RECONVENE

At 7:21 p.m., Mayor Dalton reconvened the meeting with Council Members Broadwater, Jones, and Nguyen present.

GRANT AGREEMENT WITH THE COUNTY OF ORANGE FOR THE ADDITION OF A SPLASH PAD AT ATLANTIS PLAY CENTER (F: 55) (XR: 73.6)

This matter was heard later in the meeting.

PURCHASE ORDER TO PLAYPOWER LT FARMINGTON, INC., FOR PLAYGROUND EQUIPMENT FOR THE JARDIN DE LOS NIÑOS PARK PROJECT (F: 60.4) (XR: 24.1)

Staff report dated February 24, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote of those present that the purchase of playground equipment for the Jardin de los Niños Park project, be and hereby is approved; and the Finance Director is authorized to issue a purchase order in the amount of \$39,018.59 for said purchase.

RESOLUTION FOR INITIATION OF SPRING 2009 WEED ABATEMENT PROGRAM (F: 113.1) (XR: 61.1)

Staff report dated February 24, 2009, was introduced.

RESOLUTION NO. 8867-09

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote of those present that full reading of Resolution No. 8867-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING THAT A NUISANCE EXISTS IN CONNECTION WITH THE EXISTENCE OF WEEDS, RUBBISH, AND REFUSE ON CERTAIN PROPERTIES WITHIN THE CITY OF GARDEN GROVE AND AUTHORIZING THE CITY CLERK TO MAIL A WRITTEN NOTICE OF THE NUISANCE(S) IN ACCORDANCE WITH THE PROVISIONS OF GOVERNMENT CODE SECTION 39566 AND 39567.1, be and hereby is adopted.

MINUTES (F: Vault)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote of those present that the minutes of the Regular Meetings of the City Council held December 9, 2008, and January 13, 2009; the Adjourned Regular Meeting held December 16, 2008; and the Special Meeting held January 24, 2009, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote of those present that Regular Warrants 435803-436611 Wires W464-W471; and Payroll Warrants 160117 through 160119, and 160266 through 160270, and 160333 through 160490, Direct Deposits D165437 thru D166097, and Wires W1412 thru W1415, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PURCHASE AND TRAINING OF POLICE SERVICE DOG (F: 60.4) (XR: 82.1)

Staff report dated February 24, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote of those present that the funding for the purchase and training of the replacement Police Service Dog, in the amount of \$15,000, be and hereby is approved; that the Federal Asset Forfeiture funds for the acquisition and training of the Police Service Dog be appropriated; and the City Manager is

authorized to execute any documents necessary to implement this plan.

WAIVER OF FULL READING OF ORDINANCES LISTED

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

GRANT AGREEMENT WITH THE COUNTY OF ORANGE FOR THE ADDITION OF A SPLASH PAD AT ATLANTIS PLAY CENTER (F: 55) (XR: 73.6)

Staff report dated February 24, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote of those present that the Grant Agreement by and between the City of Garden Grove and the County of Orange, for the addition of a splash pad at Atlantis Play Center in the amount of \$100,000, be and hereby is approved; and the City Manager is authorized to execute the agreement.

PUBLIC HEARING - NEIGHBORHOOD STABILIZATION PROGRAM APPLICATION FOR HOMEBUYER ASSISTANCE FUNDS (F: 117.10J) (XR: 57.1)

Staff report dated February 24, 2009, was introduced and reviewed by staff.

The Public Hearing is the second of two public hearings necessary pursuant to HUD requirements for the Neighborhood Stabilization Program (NSP) before submitting an application for the funding available through the federal Economic Recovery Act (2008). \$3.92 billion has been allocated nationwide to deal with abandoned and foreclosed properties under the NSP. 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. At the first Public Hearing, City Council accepted public comments regarding the five eligible options for the design of the NSP.

Tonight's Public Hearing is to provide an opportunity for comments on the proposed homebuyer program.

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

Charles Mitchell spoke in support of the homebuyer program, commenting on the financial requirements.

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 Nguyen, and carried by unanimous vote of those present that the public comments regarding the application for the Neighborhood Stabilization Program be and hereby are accepted; and the City Manager is authorized to execute all documents necessary for an application for Neighborhood Stabilization Program funding in the amount of \$1,180,823, including a Joint Powers Agreement or Memorandum of Understanding with the City of Westminster.

PUBLIC HEARING - APPEAL OF DENIAL OF CONDITIONAL USE PERMIT NO. CUP-239-08 (F: 51.CUP-239-08) (XR: 57.1)

Appeal of Denial of Conditional Use Permit No. CUP-239-08. The Applicant, Trong Duong, requested approval to operate an existing restaurant, Ngoc Hue Restaurant, with a new original Alcoholic Beverage Control Type "41" (on-Sale, Beer and Wine, Public Eating Place) License. The restaurant is located on the south side of Westminster Avenue between Flower Street and Hope Street at 10212 Westminster Avenue, Suite 113.

On January 15, 2009, the City Planning Commission, pursuant to Resolution No. 5645, voted to deny the Conditional Use Permit. An Appeal of the Denial of the Conditional Use Permit was filed by Council Member Broadwater; and pursuant to legal notice published on February 12, 2009, Public Hearing on the case was ordered by the City Council to be held this date.

Staff report dated February 24, 2009, was introduced, and staff reviewed the background information concerning this matter. The restaurant is located in a high-crime district and in an area with an undue-concentration of Alcoholic Beverage Control (ABC) licenses. Given the crime statistics provided by the Police Department and the over-concentration of ABC licenses in the District, staff was unable to support a finding for public convenience or necessity. The potential community benefit of the proposal is not sufficiently substantial to outweigh the potential negative impacts of the use and would not be compatible with the intended character of the area due to the subject property's proximity to the residential neighborhood to the south.

Council Member Broadwater stated he appealed the Planning Commission's decision because the Applicant's request for a continuance at the January 15, 2009, Planning Commission meeting was not allowed.

Council Member Jones commented that the matter was continued three times, prior to being heard at the December 4, 2008, meeting.

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

Dennis Desnoo spoke in support of Mr. Duong's request, indicating that at the December 4, 2008, Planning Commission meeting, the Commission voted in favor of the new Conditional Use Permit. At the January 15, 2009, Planning Commission, the request for continuance was not allowed, and at that time, the Planning Commission voted to deny the Conditional Use Permit. Son Nguyen, Jennifer Tran, Sarah Thai, Thu Phan, Thanh Nghien, Duong Tai, Danny Nguyen, and Huynh Tran all spoke in support of Mr. Duong's request.

Trong Duong, the Applicant, indicated that he accepts the proposed Conditions of Approval. He requested the City Council grant his appeal and allow him to operate his restaurant with a Type "41" License.

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

In response to Council Member Broadwater's inquiries, staff indicated factors considered when determining the recommendation to deny Mr. Duong's request included that the location of the restaurant is in a high-crime district, with a crime count 32% above the citywide average; and is in an area with an undue-concentration of ABC licenses. Staff was unable to support a finding for public convenience or necessity.

Council Member Broadwater commented that the pictures of the restaurant do not look like a bar, but a nice place to eat.

Council Member Jones noted that the toughest challenge about ABC license requests is that they are abused. However, it is unfair to punish good business owners. This business owner has a pride of ownership, and should be given the opportunity to expand his business and be competitive.

Mayor Dalton expressed his appreciation for the work done by the Planning Commission. He does not believe, however, that this restaurant will contribute to the crime count.

Council Member Nguyen expressed her appreciation to the Planning Commission for their diligence. She too agreed that the business owner should have the opportunity to expand his business and she would support the Applicant's appeal.

RESOLUTION NO. 8868-09

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote of those present that full reading of Resolution No. 8868-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE GRANTING THE APPEAL AND APPROVING CONDITIONAL USE PERMIT NO. CUP-239-08, be and hereby is adopted.

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

Council Member Broadwater indicated that the City Council does not disrespect the Grand Jury or its recommendations regarding fireworks. However, the City Council does disagree with the recommendations and believes they are not in the best interest for the City. He commented on Smart & Final closing its Garden Grove store. He also asked staff to look into the graffiti matter on Water Works Way. (F: 53.1) (XR: 61.6) (XR: 24.5)

Council Member Nguyen congratulated the Youth of the Year recipients. She agreed with Council Member Broadwater's comments regarding the Grand Jury's recommendations. She also expressed her excitement about the additions to the Atlantis Play Center and Jardin de los Niños Park, thanking the County of Orange for providing the grants to make these types of projects possible. She congratulated staff on its efforts in improving the quality of life in Garden Grove. (F: 53.1)

Council Member Jones also expressed his support of staff's efforts to find funding, despite the rough economic times, for projects such as the Atlantis Play Center splash pad. (F: 53.1)

Mayor Dalton complimented staff for its efforts in finding funding for different types of amenities for the city, such as the Senior Center outdoor fitness equipment; the new Dog Park at Garden Grove Park; and now the splash pad at Atlantis Play Center. He commented that

he had responded to the Grand Jury's fireworks report, and confirmed that everyone wants illegal fireworks out of the city, but he would not support depriving families of enjoying the safe and sane fireworks. He commented on a recent ceremony in Santa Ana honoring Michael Monsoor, a Medal of Honor recipient from Garden Grove, stating that he was glad that our communities continue to honor its heroes.
(F: 53.1) (XR: 61.6)

ADJOURNMENT

At 8:10 p.m. the meeting was declared adjourned.

KATHLEEN BAILOR
CITY CLERK