

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, November 10, 2009, at 6:00 p.m.

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

ABSENT: (2) COUNCIL MEMBER NGUYEN (absent at Roll
Call but joined the meeting at 6:05 p.m.)
COUNCIL MEMBER JONES (absent at Roll Call
but joined the meeting at 6:10 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, with Mayor Dalton, and Council Members Broadwater, and Do, present.

COUNCIL MEMBER NGUYEN ENTERED THE FOUNDERS ROOM AT 6:05 P.M.

CONFERENCE WITH LEGAL COUNSEL

Pursuant to Government Code Section 54956.9(a)
To confer with Legal Counsel regarding pending litigation,
Boyd v. City of Garden Grove

RECONVENE IN OPEN SESSION

At 6:30 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

It was announced that the previously disclosed Closed Session item was discussed with no reportable action taken.

INVOCATION AND PLEDGE

The Invocation was given by Keith Jones, Public Works Director. Council Member Broadwater led the Pledge of Allegiance to the Flag of the United States of America.

COMMUNITY SPOTLIGHT - RECOGNITION OF HUY TRAN, LA QUINTA HIGH SCHOOL COUNSELOR (F: 52.3)

This matter was postponed to an upcoming meeting.

BUSINESS SPOTLIGHT - RECOGNITION OF HAZ RENTAL CENTER (F: 52.3)

Mayor Dalton called forward Gary Indes, proprietor of Haz Rental Center and presented him with a Resolution and gift honoring Haz Rental Center as the November Business Spotlight Honoree, and congratulating them on their 40th Anniversary.

PRESENTATION – BY THE KOREAN FESTIVAL FOUNDATION OF ORANGE COUNTY (F: 52.3) (XR: 82.1)

Representatives of the Korean Festival Foundation of Orange County presented to the Mayor and City Council a \$5,000 donation for the City of Garden Grove Police Explorer Post 1020 in recognition of their support at the 2009 Korean Festival.

RESOLUTION REQUESTING THE UNITED STATES CONGRESS SUPPORT THE KOREA-U.S. FREE TRADE AGREEMENT (KORUS FTA) (F: 42.7) (XR: 43.1)

RESOLUTION NO. 8934-09

It was moved by Council Member Jones, seconded by Council Member Broadwater, and carried by unanimous vote that full reading of Resolution No. 8934-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REQUESTING THE UNITED STATES CONGRESS SUPPORT THE KOREA-U.S. FREE TRADE AGREEMENT, be and hereby is adopted.

ORAL COMMUNICATIONS - PUBLIC

Rod Powell accused Council Member Do of not being a resident of Garden Grove. Council Member Do responded that Mr. Powell was incorrect in his accusations, and cautioned Mr. Powell about his behavior and comments toward Council Member Do's family.

Peggy Bergin commented on various community and civic matters.

Myke Cossota commented on the solar power project recently approved inquiring why other types of projects were not considered.

In response, Ken Casey, Chevron Energy Solutions representative, indicated the approved project was awarded grant funding under the federal stimulus package. He commented that Chevron has been involved with many of the projects Mr. Cossota mentioned, but those types of projects would not qualify for this particular grant.

Peter Katz commented on the history of Veterans Day, and announced that the 7 Seas Restaurant on Main Street would be serving a free lunch to all veterans on November 11.

WRITTEN COMMUNICATION – APPOINTMENT OF A COUNCIL MEMBER TO
FILL A TWO-YEAR TERM ON THE GARDEN GROVE COMMUNITY FOUNDATION
BOARD (F: 130.15)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Council Member Jones be and hereby is reappointed to the Garden Grove Community Foundation Board for a two-year term, starting January 1, 2010.

RECESS

At 7:18 p.m., the Mayor declared a recess.

RECONVENE

At 7:22 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

PROCLAMATION IN HONOR OF THE 30TH ANNIVERSARY OF ACACIA ADULT
DAY SERVICES (F: 83.1) (XR: 130.9)

This matter was considered later in the meeting.

RESOLUTION REQUESTING THE UNITED STATES CONGRESS SUPPORT THE
KOREA-U.S. FREE TRADE AGREEMENT (KORUS FTA) (F: 42.7) (XR: 43.1)

This matter was considered earlier in the meeting.

AGREEMENT WITH THE COUNTY OF ORANGE FOR ACCEPTANCE OF JUSTICE ASSISTANCE GRANT FUNDS TO FUND A PORTION OF THE JAIL SERVICES CONTRACT (F: 82.15)

Staff report dated November 10, 2009, was introduced.

Council Member Do stated that this Agreement benefits the City; and his dual role as a City Council Member and Chief of Staff to County Supervisor Nguyen does not prevent him from participating in this matter.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and the County of Orange to accept 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds, in the amount of \$80,388, be and hereby is approved; and the Mayor is authorized to execute the Agreement to partially fund the Police Department's jail services contract with Correctional Systems, Inc.

AWARD OF CONTRACT TO MEASUREMENT CONTROL SYSTEMS, INC., FOR LARGE WATER METER TESTING AND MAINTENANCE SERVICES (F: 55)
(XR: 24.1)

Staff report dated November 10, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Measurement Control Systems, Inc., for meter testing services, in the amount of \$60,000, be and hereby is approved; and the City Manager is authorized to sign and execute the Agreement.

MINUTES

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the minutes of the Regular Meetings of the City Council held July 28, 2009, August 25, 2009, and September 8, 2009, and the Special Meeting of September 8, 2009, be and hereby are received and filed.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that Regular Warrants 453721 through 455691, Wires W550 through W554, and Wires W454433 through W455418; and Payroll Warrants 163841 through 163977, Direct Deposits D178541 through D179283, and Wires W1494 through W1497, 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.

PROCLAMATION IN HONOR OF THE 30TH ANNIVERSARY OF ACACIA ADULT DAY SERVICES (F: 83.1) (XR: 130.9)

The Mayor and Council Members congratulated Acacia Adult Day Services on their anniversary and thanked them for their outstanding efforts.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the Proclamation in Honor of the 30th Anniversary of Acacia Adult Day Services, be and hereby is approved.

PUBLIC HEARING - PROTESTS ON THE FALL 2009 WEED ABATEMENT NOTICES (F: 113.1.Fall.2009)

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

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

There being no response from the audience and no protests presented, the Public Hearing was declared closed.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that staff is directed to proceed with the scheduled weed abatement.

PUBLIC HEARING - AMENDMENT NO. A-150-09, REORGANIZATION OF TITLE 9, THE ADDITION OF NEW USE DEFINITIONS, AND THE CORRECTION OF TYPOGRAPHICAL ERRORS (F: 115.A-150-09) (XR: 50.3)

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

Staff is requesting an amendment to Title 9 (Zoning Ordinance) of the Garden Grove Municipal Code that includes the reorganization of Title 9, the addition of new use definitions, and the correction of typographical errors. Efforts to reorganize Title 9 have been made to make it a user-friendlier document for the public, and definitions have been added to clarify uses listed within the Land Use Chart currently undefined.

On October 15, 2009, the Planning Commission considered the proposed amendment and adopted Resolution No. 5695 recommending the City Council approve Amendment No. A-150-09.

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

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

ORDINANCE NO. 2758 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 CODE AMENDMENT NO. A-150-09, FOR THE REORGANIZATION OF TITLE 9 (ZONING ORDINANCE) OF THE MUNICIPAL CODE, ADD NEW DEFINITIONS, AND CORRECT TYPOGRAPHICAL ERRORS

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.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that Ordinance No. 2758 be and hereby is passed to second reading.

PUBLIC HEARING - MITIGATED NEGATIVE DECLARATION, PLANNED UNIT DEVELOPMENT NO. PUD-123-09, AND A DEVELOPMENT AGREEMENT FOR FUTURE DEVELOPMENT OF THE 13.9-ACRE BROOKHURST TRIANGLE SITE, BOUNDED BY BROOKHURST STREET, GARDEN GROVE BOULEVARD, AND BROOKHURST WAY (F: 116.PUD-123-09) (XR: 57.1)

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

Staff is transmitting a request for a Mixed-Use Planned Unit Development zoning for the purpose of allowing future development of the 13.9-acre Brookhurst Triangle site consisting of approximately 200,000 square feet of commercial/office space and up to 800 residential dwelling units, and related development standards for a mixed-use development.

The proposed project is to rezone the site to Planned Unit Development (PUD) to facilitate future development of the site for a mixed-use development with a combination of commercial, office, and residential uses. The proposed PUD creates a mid-rise and high-rise development, with the main commercial and office space occupying the ground level and possibly one level above the ground level; and residential units housed in the upper floors.

The development will provide several public and private amenities, such as an urban trail, common open space and private open space, and private recreational elements for the residents and their guests. The urban trail system will be usable by the public. In addition, an integrated internal common open space/plaza will be incorporated into the project for the purposes of providing visual relief and enhanced aesthetics, as well as providing a respite for shoppers, visitors, residents, and employees of the site. Water elements, landscaping, seating areas, and sculptures/art work will buffet these areas. The development will also incorporate private recreation spaces and elements for that portion of the development designated for the residential dwelling units.

The PUD is based on a refined concept analysis site plan that has been created to be used as a basis for the analysis, as well as setting the parameters for which an actual development is to follow. The site development plan will be subject to and governed by the approved PUD for this site.

The development is anticipated to have five ingress and egress points: two on Brookhurst Street, two on Brookhurst Way, and one on Garden

Grove Boulevard. Parking areas are to be three levels with one level below grade, one level at grade, and one level above grade.

The proposed project complies with the goals and objectives of the Community Design Element of the City's adopted General Plan. The intent is to create an attractive mixed-use development that would add to the visual interest of the streetscape and maintain a similar ambiance with the surrounding commercial and residential areas. The site plan has exterior elevations that vary in height from five to seven stories, up to 15 to 23 stories. The placement and design of the proposed Brookhurst Triangle buildings would be that of an experience of not feeling overwhelmed with height, but more of a street level experience of buildings ranging in height from two to four stories.

Two neighborhood meetings have been held. At both meetings, overall support was expressed for the proposed PUD and future development of the site as proposed. The concerns that were raised included the length of time to complete the project, how overall construction activities could disrupt traffic flows in the area resulting in possible disruption to the business operations, site access, parking, height of buildings, circulation, density, construction timing, and overall success of the proposed development.

On October 1, 2009, the Planning Commission considered the proposed amendment and adopted Resolution No. 5694 recommending the City Council approve Planned Unit Development No. PUD-123-09 and the Development Agreement, and adopt a Mitigated Negative Declaration.

In response to Council Member Broadwater's inquiry concerning the condition of the land, staff responded that initial studies have been performed and no problems have been determined to exist. However, additional studies will be performed before conveying the property to the developer.

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

Paul Tofpel, Peggy Bergin, Virginia Fuller, Robin Marcario, and Beverly Singer offered suggestions and expressed concerns with the project. Ideas included providing more park space, limiting the height of the buildings, and ingress and egress,

RECESS

At 7:55 p.m., the Mayor declared a recess.

RECONVENE

At 8:08 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

PUBLIC HEARING - MITIGATED NEGATIVE DECLARATION, PLANNED UNIT DEVELOPMENT NO. PUD-123-09, AND A DEVELOPMENT AGREEMENT FOR FUTURE DEVELOPMENT OF THE 13.9-ACRE BROOKHURST TRIANGLE SITE, BOUNDED BY BROOKHURST STREET, GARDEN GROVE BOULEVARD, AND BROOKHURST WAY (cont'd) (F: 116.PUD-123-09) (XR: 57.1)

Public Hearing continued.

Cheryl Armstrong, Toby Rubin, and Maureen Blackmun offered suggestions and expressed concerns with the project. Ideas included providing more park space, limiting the height of the buildings, ingress and egress, and Code Enforcement issues.

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

Council Member Do questioned the feasibility of the size of the project, allowing up to 800 units and up to 23 stories high. He also expressed concern with the egress and ingress.

Staff responded that previous proposals for this area have been similar in concept; and in order to anticipate a variety of future market conditions, staff did not want to handcuff the City Council in terms of what a developer might propose for consideration.

After City Council discussion including the height of the buildings, the number of units, ingress and egress, as well as what is likely to be developed on this property, Council Member Do suggested, and the rest of the City Council agreed, to amend the Ordinance to limit the maximum building height of the project to ten story buildings, and the maximum number of residential units to 700.

ORDINANCE NO. 2759 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 MITIGATED NEGATIVE DECLARATION AND APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-123-09, CHANGING THE ZONING DESIGNATION FROM C-2 (COMMUNITY COMMERCIAL) AND PLANNED UNIT DEVELOPMENT NO. PUD-102-88 TO PLANNED UNIT DEVELOPMENT NO. PUD-123-09

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.

It was moved by Council Member Do, seconded by Council Member Broadwater, and carried by unanimous vote that Ordinance No. 2759 be and hereby is passed to second reading as amended, limiting the maximum building height to ten (10) stories, and limiting residential units to up to 700.

ORDINANCE NO. 2760 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 MITIGATED NEGATIVE DECLARATION AND ADOPTING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF GARDEN GROVE AND THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT

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.

It was moved by Council Member Do, seconded by Council Member Broadwater, and carried by unanimous vote that Ordinance No. 2760 be and hereby is passed to second reading.

AGREEMENT WITH MAYER HOFFMAN MCCANN P.C. FOR CITY INDEPENDENT FINANCIAL AUDITOR SERVICES FOR FISCAL YEAR 2009-2010 THROUGH 2013-2014

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

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 Mayer Hoffman McCann P.C. to provide the City's Independent Financial Auditor Services for Fiscal Years 2009-2010 through 2013-2014, in the amount of \$335,760, be and hereby is approved; and the City Manager and/or Finance Director is authorized to execute and deliver the requisite Agreement on behalf of the City and to take other necessary actions in connection therewith.

AGREEMENT WITH CORRECTIONAL SYSTEMS INC. TO PROVIDE JAIL BOOKING AND SECURITY SERVICES THROUGH JUNE 2012

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

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Correctional Systems, Inc., in the amount of \$477,265 for the first year of five years, be and hereby is approved; and the City Manager is authorized to execute the agreement.

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

Council Member Do commented on communism as it related to the Berlin Wall, and acknowledged the tremendous sacrifice veterans have made to serve our country to secure our freedom.

Council Member Jones commented on his visit to East Berlin.

Council Member Nguyen commented on how important Veterans Day is to her. She announced the continuance of the "Buy in Garden Grove" program. She suggested the picture dedicating The Garden Grove Park in Anyang, Korea be posted on the City's website.

Council Member Broadwater stated the California education system is the best in the country; and commented on the anniversary of the fall of the Berlin Wall.

Mayor Dalton offered his appreciation to all veterans who have served, and those who are serving our country.

ADJOURNMENT

At 9:25 p.m., the meeting was declared adjourned in memory of all Veterans who have paid the ultimate sacrifice in defending and protecting our country and its ideals.

KATHLEEN BAILOR
CITY CLERK