

## 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 24, 2009, at 6:33 p.m.

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

ABSENT: (1) COUNCIL MEMBER NGUYEN

#### INVOCATION AND PLEDGE

The Invocation was given by Keith Jones, Public Works Director. Council Member Do 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, RECIPIENT OF THE YALE UNIVERSITY EDUCATOR AWARD FOR 2009 (F: 52.3)

Mayor Dalton called forward Huy Tran, La Quinta High School Counselor, recipient of the Yale University Educator Award for 2009. Mr. Tran was presented with a certificate of recognition for his distinction as a Yale University Educator Award Honoree, and his commitment to today's youth and their futures by helping to develop the strong, positive community leaders of tomorrow.

#### ORAL COMMUNICATIONS - PUBLIC

Russ McDonald commented on the Brookhurst Triangle project, the time allotted for Oral Communications, and fireworks. He asked for assistance in understanding the information provided on his water bill. Mayor Dalton indicated staff would contact him.

Quang Pham spoke in support of a Vietnam War Museum for Garden Grove.

Harry Pearce commented on a recent neighborhood meeting concerning park amenities at the Brookhurst Triangle.

Rod Powell commented on the use of fireworks in the city. He further commented on the exchanges he and Council Member Do have had during recent meetings.

Charles Mitchell spoke in support of the arch on Main Street. He commented on his experience as a member of the Grand Jury, and indicated applications for the Grand Jury are now being accepted.

#### RECESS

At 7:03 p.m., the Mayor declared a recess.

#### RECONVENE

At 7:07 p.m., Mayor Dalton reconvened the City Council meeting with Council Members Broadwater, Do, and Jones present.

#### RESOLUTION OF APPRECIATION TO THE GARDEN GROVE 176TH MEDICAL GROUP HHD TOUR OF DUTY IN KOSOVO (F: 52.2)

This matter was considered later in the meeting.

#### RESOLUTION AUTHORIZING THE GARDEN GROVE FIRE DEPARTMENT TO ACCESS U.S. DEPARTMENT OF JUSTICE RECORDS IN ORDER TO PERFORM MANDATORY NATIONWIDE CRIMINAL BACKGROUND CHECKS ON EMERGENCY MEDICAL TECHNICIANS (F: 61.1)

Staff report dated November 24, 2009, was introduced.

#### RESOLUTION NO. 8935-09

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote of those present that full reading of Resolution No. 8935-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE DEPARTMENT OF JUSTICE AND THE FEDERAL BUREAU OF INVESTIGATION CRIMINAL BACKGROUND CHECKS AND SUBSEQUENT ARREST NOTIFICATION FOR EMERGENCY MEDICAL TECHNICIANS, be and hereby is adopted.

AGREEMENT WITH CARL WARREN & COMPANY TO PROVIDE LIABILITY CLAIMS ADJUSTMENT SERVICES

Staff report dated November 24, 2009, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote of those present that the Agreement by and between the City of Garden Grove and Carl Warren & Company to provide claims administration services for the term of July 1, 2009, through June 30, 2012, not to exceed \$220,000 per fiscal year, be and hereby is approved; and the City Manager or his designee is authorized to execute the Agreement.

WARRANTS (F: 60.5)

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote of those present that Regular Warrants 455692 through 456201, and Wires W555 through W559; and Payroll Warrants 163978 through 164115, Direct Deposits D179284 through D179952, and Wires W1498 through W1501, 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 Do, seconded by Council Member Jones, and carried by unanimous vote of those present that full reading of all Ordinances listed for consideration of adoption be waived.

RESOLUTION OF APPRECIATION TO THE GARDEN GROVE 176TH MEDICAL GROUP HHD TOUR OF DUTY IN KOSOVO (F: 52.2)

Staff report dated November 24, 2009, was introduced.

The Mayor and Council Members expressed their personal appreciation to the men and women of Garden Grove 176<sup>th</sup> Medical Group, and welcomed them home.

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote of those present that the Resolution honoring the Garden Grove 176<sup>th</sup> Medical Group HHD's tour of duty in Kosovo, be and hereby is approved.

PUBLIC HEARING - AMENDMENT NO. A-149-09 WITH A NEGATIVE DECLARATION. AMENDING THE BROOKHURST CHAPMAN SPECIFIC PLAN-BROOKHURST CHAPMAN COMMERCIAL (BCSP-BCC) ZONE TO ADD A NEW USE, CHILDREN'S LEARNING CENTER (F: 115.A-149-09) (XR: 50.3) (XR: 87.1)

Due to a potential conflict of interest, Council Member Broadwater recused himself from this matter.

COUNCIL MEMBER BROADWATER LEFT THE MEETING AT 7:09 P.M.

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

The subject property is 11,464 square feet in area and is part of an existing commercial shopping center located on the east side of Brookhurst Street south of Chapman Avenue. The site has a General Plan Land Use designation of Light Commercial and is zoned BCSP-BCC (Brookhurst Chapman Specific Plan – Brookhurst Chapman Commercial).

On May 21, 2009, the Planning Commission considered Amendment No. A-149-09 amending the BCSP-BCC zone, to add a use, Children's Learning Center, subject to the approval of Conditional Use Permit No. CUP-269-09. Along with the Amendment request, the Planning Commission considered and approved a Conditional Use Permit request from Davis Alexander, operator of Trung Tam Giao Duc and Luyen Thi Children's Learning Center to operate an existing 2,018 square foot Children's Learning Center, subject to City Council's approval of Amendment No. A-149-09. The Planning Commission adopted Resolution No. 5683 recommending approval of Amendment No. A-149-09.

On June 11, 2009, Mr. Alexander appealed three conditions approved by the Planning Commission. Specifically appealed were Condition 32, preparation of a parking/traffic mitigation plan; Condition 36, installation of plumbing fixtures based on enrollment; and Condition 39, specifications for the designated waiting area in the rear of the building for dropping-off and picking-up students.

At the July 14, 2009, City Council meeting, several health and safety concerns were discussed by the Council Members, and the matter was directed back to staff for the development of a more clearly defined plan, and then be presented to the Planning Commission for reconsideration.

On October 15, 2009, the Planning Commission adopted Resolution No. 5696 recommending approval of Amendment No. A-149-09. As part of the Planning Commission's action, it was discussed and acted on that tutoring hours shall cease on or before 8:30 p.m.; the facility be identified as a Type "E" occupancy under the California Building Code, and is subject to the California Plumbing Code for occupancy over sixty (60) persons; and the placement of bollards at the rear of the building to protect persons exiting at this location.

The Trung Tam Giao Duc and Luyen Thi Children's Learning Center is a larger tutoring operation with an anticipated 80 or more students. Staff has given this type of large tutoring facility the name "Children's Learning Center." This type of center would provide the same services of supplemental education to students, first grade through high school, during limited hours of the day. The existing commercial shopping center can accommodate the proposed use with adequate parking available.

In order to facilitate the establishment of a large tutoring facility within the Brookhurst Chapman Specific Plan area, the proposed Amendment would amend the BCSP-BCC zone to add the proposed use as follows: "9383. Permitted Uses – Brookhurst Chapman Commercial (BCC) Zone is amended to allow Children's Learning Centers in the Brookhurst/Chapman Commercial zone as a permitted use subject to Conditional Use Permit approval."

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. 2761 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-149-09, AN AMENDMENT TO THE BROOKHURST CHAPMAN SPECIFIC PLAN – BROOKHURST CHAPMAN COMMERCIAL (BCSP-BCC) ZONE, TO ALLOW A CHILDREN'S LEARNING CENTER AS A NEW USE

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote of those present 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 of those present that Ordinance No. 2761 be and hereby is passed to second reading.

COUNCIL MEMBER BROADWATER RETURNED TO THE MEETING AT 7:14 P.M.

AWARD OF CONTRACT TO MACADEE ELECTRICAL CONSTRUCTION FOR PROJECT NO. 7113: INSTALLATION OF EIGHT SCHOOL PEDESTRIAN-ACTUATED TRAFFIC SIGNALS AND TWO TRAFFIC SIGNAL MODIFICATIONS (F: 96.proj.7113) (XR: 24.11)

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

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote of those present that the contract for Project No. 7113, Installation of Eight School Pedestrian-Actuated Traffic Signals and Two Traffic Signal Modifications in the amount of \$926,919, be and hereby is awarded to Macadee Electrical Construction and the City Manager is authorized to execute the agreement.

ACCEPTANCE OF A PROPOSAL SUBMITTED BY THE GARDEN GROVE DOWNTOWN BUSINESS ASSOCIATION FOR THE INSTALLATION OF A DECORATIVE ARCH ON MAIN STREET (F: A-122.5) (XR: 24.11)

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

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote of those present that the installation of the Main Street decorative arch proposed by the Garden Grove Downtown Business Association and funded by the County of Orange First District Supervisor Nguyen's Office, be and hereby is approved.

SECOND READING OF ORDINANCE NO. 2758, NO. 2759, AND NO. 2760

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

ORDINANCE NO. 2758 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 CODE AMENDMENT NO. A-150-09, FOR THE RE-ORGANIZATION OF TITLE 9 (ZONING ORDINANCE) OF THE MUNICIPAL CODE, ADD NEW DEFINITIONS, AND CORRECT TYPOGRAPHICAL ERRORS (F: 115.A-150-09) (XR: 50.3)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote of those present that Ordinance No. 2758, be and hereby is declared adopted.

ORDINANCE NO. 2759 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 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 (F: 116.PUD-123-09) (XR: 57.1)

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote of those present that Ordinance No. 2759, be and hereby is declared adopted.

ORDINANCE NO. 2760 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 MITIGATED NEGATIVE DECLARATION AND ADOPTING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF GARDEN GROVE AND THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT (F: 116.PUD-123-09) (XR: 57.1)

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote of those present that Ordinance No. 2760, be and hereby is declared adopted.

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

Council Member Do congratulated Chief Polisar and the members of the Police Department for their efforts leading to Garden Grove being listed on the Top 100 safest cities. He provided information on how the Grand Jury and the District Attorney's Office work together. He commented that serving on the Grand Jury provides opportunities to the citizens to give input into government. (F: 82.1)

Council Member Broadwater indicated a committee is being put together to pursue bringing a Vietnam War Museum to Garden Grove.

Mayor Dalton commented on the Regional Library's 40th anniversary event and the Community Garden grand opening event, both held this weekend.

ADJOURNMENT

At 7:24 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR  
CITY CLERK