

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, Garden Grove, on Tuesday, February 8, 2011, at 6:44 p.m.

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

ABSENT: (0) NONE

MAYOR DALTON ANNOUNCED THAT THE CLOSED SESSION MATTER HAS BEEN DEFERRED TO A LATER DATE.

PUBLIC INPUT ON CLOSED SESSION MATTER

None as the Closed Session matter was deferred to a later date.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Limon et al. v. City of Garden Grove and Agency for Community Development et al.

Superior Court of the State of California, County of Orange

Case No. 30-2009 00291597

INVOCATION AND PLEDGE

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

PRESENTATION – BUSINESS SPOTLIGHT (F: 52.3)

Mayor Dalton called forward Tim Ibrahim, owner and proprietor of Carolina's Italian Restaurant, and presented him with a certificate and gift recognizing Carolina's Italian Restaurant as Garden Grove's February 2011 Outstanding Business Honoree.

ORAL COMMUNICATIONS – PUBLIC COMMENTS

Peggy Bergin commented on various community and civic matters.

Robert Thill requested assistance from the City to address the negative impact a medical marijuana dispensary has on his business. Mayor Dalton requested staff provide an update at the next City Council meeting on what avenues could be pursued to address this issue.

ORAL COMMUNICATIONS – COUNCIL MEMBER COMMENTS

None.

RECESS

At 7:01 p.m., the Mayor declared a recess.

RECONVENE

At 7:04 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

WARRANTS (F: 60.5)

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that Regular Warrants 486401 through 488533, and 486932 through 488098; Wires W718 through W727, and Direct Deposits W487114 through W488047; and Payroll Warrants 168520 through 168664, Direct Deposits D200124 through D200792, and Wires W1643 through W1648, 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 Nguyen, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

PUBLIC HEARING – APPEAL OF CONDITIONAL USE PERMIT NO. CUP-309-10
(F:51.CUP-309-10) (XR: 80.1)

Song Won Yi, business owner/operator, is requesting the hours of operation for the Ice Kiss #2 Restaurant be 10:00 a.m. to 12:00 a.m., seven days a week, instead of 10:00 a.m. to 10:00 p.m., Sunday through Thursday, and 10:00 a.m. to 11:00 p.m., Friday and Saturday, as adopted by the Planning Commission. The Restaurant is located at 8516 Garden Grove Boulevard, Garden Grove.

Staff report dated February 8, 2011, was introduced and reviewed by staff.

At the March 17, 2009, City Council Study Session, the City Council authorized staff to implement a new Conditional Use Permit Review process for Type "41" Licenses, and determined that the City may consider approving Conditional Use Permit requests from restaurant owners proposing to operate with a Type "41" License, even though the restaurant may be located in an area with a high crime and/or over concentration of on-sale alcohol licenses should the restaurant owner agree to comply with the standard conditions of approval. Staff noted the Applicant is appealing the hours of operation standard condition of approval.

In response to Council Member inquiries, staff indicated the restaurant is located in District 65, which has the single highest crime count in 2009 and 2010.

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

Jerry Margolin, Il Ahn, Building Management Broker, and the Applicant, Song Won Yi, requested the City Council support the hours of operation change to be 10:00 a.m. to 12:00 a.m. seven days a week. In order to be competitive, the hours need to be extended. Documentation of support from a group home, and from the homeowners directly affected by the restaurant were submitted. Ms. Yi has made improvements to the site, including lighting, resulting in a reduction in vandalism and crime.

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

In response to Mayor Dalton's inquiry about other restaurant owners hours of operation, staff stated there are restaurants operating under older Conditional Use Permits, with different, later authorized operating hours.

Following City Council discussion, with the Mayor and each Council Member supporting the current Conditional Use Permit Review process and its effectiveness throughout the city, the following action was taken:

RESOLUTION NO. 9030-11

It was moved by Council Member Do, seconded by Mayor Dalton, and carried by unanimous vote that full reading of Resolution No. 9030-11 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE CONDITIONAL USE PERMIT NO. CUP-309-10, be and hereby is adopted.

APPOINTMENT TO FILL A VACANCY ON THE GARDEN GROVE HOUSING AUTHORITY COMMISSION (F: H-10.3)

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that Carol Beckles be and hereby is appointed as a Commissioner to the Garden Grove Housing Authority.

AWARD OF CONTRACT TO BUREAU VERITAS NORTH AMERICA, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE WEST GARDEN GROVE BOOSTER PUMP ENGINE REPLACEMENT AND WELL NO. 22 REHABILITATION PROJECT (7001 CHAPMAN AVENUE, GARDEN GROVE) (F: 112.11 Well 22) (XR: 24.11)

Staff report dated February 8, 2011, 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 contract for professional engineering services for the West Garden Grove Booster Pump Engine Replacement and Well No. 22 Rehabilitation Project, in the amount of \$385,240, be and hereby is awarded to Bureau Veritas North America, Inc.; and the City Manager is authorized to execute the Agreement on behalf of the City.

SECOND READING OF ORDINANCE NO. 2789 AND ORDINANCE NO. 2790
(F: 116.PUD-126-10) (XR: 106.DA-183-10) (XR: 20.GPA-1-10(A))

Planned Unit Development zoning with development standards for a water park hotel at 12581, 12591, 12681, and 12721 Harbor Boulevard, and 12602 and 12601 Leda Lane, Garden Grove.

It was moved by Council Member Do, 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. 2789 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 PLANNED UNIT DEVELOPMENT NO. PUD-126-10, ENACTING A NEW PLANNED UNIT DEVELOPMENT AND ZONING REGULATIONS FOR PROPERTY CURRENTLY ZONED PLANNED UNIT DEVELOPMENT NO. PUD-121-98 AND R-1-7 (SINGLE-FAMILY RESIDENTIAL)

Following the reading of the Ordinance title, it was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that Ordinance No. 2789 be and hereby is declared adopted.

ORDINANCE NO. 2790 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 DEVELOPMENT AGREEMENT NO. DA-183-10 BETWEEN THE CITY OF GARDEN GROVE AND GARDEN GROVE MXD, INC.

Following the reading of the Ordinance title, it was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that Ordinance No. 2790 be and hereby is declared adopted.

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

The Public Safety Master Plan update, as requested by Council Member Do was provided. Council Member Do requested that options to move this project forward be presented at the time of the Mid-Year Budget Review. (F: 82.1) (XR: 61.1)

Council Member Broadwater was in a traffic accident recently, and learned first hand how well the civilian field report writing program works.

Council Member Nguyen commented on the update on redevelopment projects the City Council received. She encouraged residents to contact the Governor's Office urging him not to take redevelopment agencies away. She reminded residents to continue to buy in Garden Grove; and wished everyone a Happy Lunar New Year, commenting on the recent Tet Parade and Tet Festival.

Council Member Do also commented on the recent Tet Parade and Tet Festival, and encouraged residents to celebrate the diversity of cultures in Garden Grove by attending the different festivals hosted in the city. He also commented on the City Council's decision-making process involved with applying policy and transparency as demonstrated during tonight's Public Hearing.

Mayor Dalton offered his condolences to the Eadens Family on the passing of Gail Eadens, a long-time volunteer at the H. Louis Lake Senior Center; to the Adams Family on the passing of Bernard Adams, the City's first elected Mayor; and to the Beckman Family on the passing of William Beckman, a veteran, retired postal worker, and community volunteer.

ADJOURNMENT

At 8:21 p.m., the meeting was declared adjourned in memory of Gail Eadens, Bernard Adams, and William Beckman.

KATHLEEN BAILOR, CMC
CITY CLERK

MINUTES

GARDEN GROVE CITY COUNCIL
and
GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT

A Study Session of the Garden Grove City Council and the Garden Grove Agency for Community Development was called to order in the Founders Room of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, February 8, 2011, at 5:39 p.m.

CITY COUNCIL

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

ABSENT: (0) NONE

AGENCY

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS - PUBLIC

None.

REDEVELOPMENT PROJECT UPDATE (F: A-128.2)

Staff provided a status report on the Governor's proposal to eliminate redevelopment agencies, and outlined the possible effects the elimination would have to the city.

ADJOURNMENT

At 6:30 p.m., the Study Session was declared adjourned.

KATHLEEN BAILOR, CMC
CITY CLERK/SECRETARY

MINUTES

GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT

A Regular Meeting of the Garden Grove Agency for Community Development was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, on Tuesday, February 8, 2011, at 6:51 p.m.

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

ABSENT: (0) NONE

CHAIR BROADWATER ANNOUNCED THAT THE CLOSED SESSION MATTER HAS BEEN DEFERRED.

PUBLIC INPUT ON CLOSED SESSION MATTER

None.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)
Limon et al. v. City of Garden Grove and Agency for Community Development et al.
Superior Court of the State of California, County of Orange
Case No. 30-2009 00291597

ORAL COMMUNICATIONS

None.

MINUTES (F: Vault)

It was moved by Member Do, seconded by Member Nguyen, and carried by unanimous vote that the Agency minutes for the Regular Meetings held October 12, 2010, and October 26, 2010, be and hereby are received and filed.

MATTERS FROM AGENCY MEMBERS AND DIRECTOR

None.

ADJOURNMENT

At 7:03 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR, CMC
SECRETARY