

AGENDA

Regular Meeting

GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT

Community Meeting Center
11300 Stanford Avenue

June 27, 2006

Council Chamber

ROLL CALL: MEMBER DALTON, MEMBER KREBS, MEMBER LEYES,
VICE CHAIR ROSEN, CHAIR NGUYEN

Member Leyes joined the meeting at 6:45 p.m. and Member Nguyen was absent.

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the City Clerk, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing. Additionally, any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office to arrange for special accommodations. (City Council Manual of Procedures, Section D). Agenda item descriptions are intended to give a brief general description of the item to advise the public of the item's general nature. The City Council may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

Closed Session

6:21 p.m.

1. PUBLIC INPUT: (Anyone wishing to address only Closed Session items may do so at this time.)

None.

2. CLOSED SESSION:

- 2.a. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS-PURSUANT TO GOVERNMENT CODE SECTION 54956.8**

MEMBERS: MEMBER DALTON, MEMBER KREBS, MEMBER LEYES,
VICE CHAIR ROSEN, CHAIR NGUYEN

Property: Commonly referred to as the “Langston pit/former landfill site” located at the northwest section of Harbor Boulevard and Chapman Avenue, Assessor Parcel Number/APN 233 181 01, located at 12261 - 12263 Chapman Avenue, Garden Grove, and currently owned by the Garden Grove Sanitary District

Agency’s Negotiators: Matthew Fertal, Agency Director
Chet Yoshizaki, Economic Development Director
Greg Brown, Economic Development Project Manager
Celeste Stahl Brady, Agency Counsel
Tom Nixon, City Attorney
James Burba, Agency Economic Consultant
Cory Limbach, Agency Economic Consultant

Negotiating Parties: Garden Grove Agency for Community Development and Landmark Companies, LLC

Under Negotiation: Potential sale or other disposition of the above-listed real property from the Agency to Landmark Companies, LLC, and price and terms of payment.

Factors Affecting Price and Terms under Negotiation

- Acquisition of subject property
- Recorded covenants
- Scope of redevelopment of subject property and offsite improvements
- Physical condition of property at close of escrow
- Condition of title to property at close of escrow
- Indemnities of Buyer/Seller
- Representations and warranties of Seller
- Potential highest and best use of property and potential alternative land uses

Factors affecting time of payment:

MEMBERS: MEMBER DALTON, MEMBER KREBS, MEMBER LEYES,
VICE CHAIR ROSEN, CHAIR NGUYEN

- Conditions to closing of escrow
- Due diligence period
- Environmental condition and remediation of property

ACTION: Discussed. Instructions were given to the negotiator.

2.b. **CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a) - Pending Litigation [Litigation to which local agency is a party and has been initiated formally.]**

Agency Board closed session to confer with Agency Counsel regarding pending litigation: *RD Golf Center Company, LLC vs. Garden Grove Sanitary District; the City of Garden Grove; Matthew Fertal; the Garden Grove Agency for Community Development; Atrium Plaza, LLC; Flamingo Street, LLC; Landmark Companies, LLC; Rigg Hotel; Garden Grove Lodging, LLC; Harbor Suites, LLC; Buca Incorporated; and Does 1-10, Inclusive*, Pending in Orange County Superior Court (OCSC), Case No. 04CC12195, filed December 15, 2004.

ACTION: Discussed. Instructions were given to the negotiator.

2.c. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8**

Properties: Parcels owned by the Agency located at the northeast corner of Acacia Parkway and Westlake Avenue, and northwest corner of Acacia Parkway and Westlake Avenue, comprised of the following parcels listed by Assessor Parcel Number (APN):

- APN 089-202-33, Garden Grove
- APN 089-202-09, Garden Grove
- APN 089-201-16, Garden Grove

Agency's Negotiators: Matthew Fertal, Agency Director
Chet Yoshizaki, Economic Development Manager

MEMBERS: MEMBER DALTON, MEMBER KREBS, MEMBER LEYES,
VICE CHAIR ROSEN, CHAIR NGUYEN

Greg Brown, Economic Development Project Manager
Robert Garcia, Economic Development Project Manager
Celeste Stahl Brady, Agency Counsel

Negotiating Parties: Garden Grove Agency for Community
Development and Thom Falcon, GG Homes LLC; Rebecca
Weimer, Weimer & Associates; Phuoc (Paul) Bui; and Henry
Trien Nguyen.

Under Negotiation: Potential disposition, real property sale, price(s)
and terms of payment of the above-listed parcels of real
property.

Factors Affecting Price and Terms under Negotiation:

- Physical condition of property at close of escrow
- Condition of title to property at close of escrow
- Indemnities of Buyer/Seller
- Representations and warranties of Seller
- Potential highest and best use of property

Factors affecting time of Closing:

- Conditions to closing of escrow
- Due diligence period
- Environmental condition and remediation of
property, if any

ACTION: Discussed. Instructions were given to the negotiator.

MEMBERS: MEMBER DALTON, MEMBER KREBS, MEMBER LEYES,
VICE CHAIR ROSEN, CHAIR NGUYEN

Open Session

7:56 p.m.

3. ORAL COMMUNICATIONS - PUBLIC: (To be held simultaneously with City Council and Sanitary District Oral Communications.)

1.a. Verla Lambert addressed the Agency, cautioning them to keep in mind the Magic Mountain failure when looking for a theme park for Lido and International West. (F: A-53.3)

1.b. Ray Littrell addressed the Agency, commenting that he believes the Agency has a cash flow problem. (F: A-53.3)

RECESS: 9:00 p.m.

RECONVENE: 9:15 p.m.

4. CONSENT ITEMS:

4.a. Minutes of the Regular Meeting of the Agency held June 13, 2006. (F: Vault)

ACTION: Approved.
(4 Ayes. Nguyen absent.)

5. PUBLIC HEARING: (Motion to approve will include adoption of each Resolution unless otherwise indicated.)

5.a. Proposed Budget for Fiscal Year 2006-07. (F: A-34.1)

ACTION: Hearing held.

5.a.1. Resolution adopting Budget for Fiscal Year 2006-07.

ACTION: Resolution No. 656 adopted.
(4 Ayes. Nguyen absent.)

5.a.2. Resolution adopting Fiscal Year 2006-07 Budget Administrative Costs.

MEMBERS: MEMBER DALTON, MEMBER KREBS, MEMBER LEYES,
VICE CHAIR ROSEN, CHAIR NGUYEN

ACTION: Resolution No. 657 adopted.
(4 Ayes. Nguyen absent.)

6. ITEMS FOR CONSIDERATION:

- 6.a. Conceptual Master Plan for the 15.5-acre property known as the
"Brookhurst Triangle." (F: A-116.7)

ACTION: Received and filed.
(4 Ayes. Nguyen absent.)

7. MATTERS FROM AGENCY MEMBERS AND DIRECTOR:

None.

8. ADJOURNMENT: 9:52 p.m.