

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, on Tuesday, November 23, 2004, at 7:25 p.m.

ROLL CALL: PRESENT: (5) CHAIRMAN ROSEN, MEMBERS BROADWATER, DALTON, LEYES, TRAN

ABSENT: (0) NONE

ALSO PRESENT: Director, Matthew Fertal; Assistant Director, Les Jones; Community Development Director, Susan Emery; Legal Counsel, John Shaw; and Deputy Secretary, Priscilla Stierstorfer.

ORAL COMMUNICATIONS – PUBLIC

Dr. Eugene Zaluzec commented that the city of Anaheim passed a resolution against eminent domain, and urged the Agency/City Council to do the same. He is against the City taking private property and giving it to developers.  
(F: A-53.3)

Kevin Lambert commented that the City should not use the threat of eminent domain to force people out of their homes in order to give the land to a private developer for a cultural center. (F: A-53.3)

Tony Flores read from different letters and from an article in the paper regarding the proposed Vietnamese Cultural Center. He commented that government cannot donate land for a temple as the article states the City is proposing. He also commented regarding the meeting that was held by the West Garden Grove Homeowners Association regarding recent flooding in the area. (F: A-53.3)  
(XR: A-116.10) (XR: 130.15)

Herb Lieberman commented that at the meeting that was held regarding the Brookhurst Triangle, the Council said that it is not giving land away to anybody. The problem is people believe what they read in the paper. Whether it is a Vietnamese Community Center or a Korean Center, it should be built with their own money. (F: A-53.3) (XR: A-116.10)

Jeff Morton commented that people can come to the meeting and make their feelings known, but it is only after the fact when decisions have already been made. The homeowners should have been included in the process if their homes were being considered for a Cultural Center. (F: A-53.3) (XR: A-116.10)

Marge Heard submitted a petition signed by people who oppose the construction of a Vietnamese Cultural Center on Garden Grove Boulevard. She also commented on not impeding the work of the Police Department by adding developments that create more traffic. She also noted her opposition to eminent domain. (F: A-53.3) (XR: A-116.10)

Don Warshauer noted his opposition to the Vietnamese Cultural Center. The City could spend its money by fixing up the houses they own in the neighborhood that are looking run down. (F: A-53.3) (XR: A-116.10)

Peggy Bergin also commented on the newspaper article that the City was donating land. If the City is giving away land, it should give it for a project that will make money for the City. (F: A-53.3) (XR: A-116.10)

#### RECESS

At 8:05 p.m., the Chairman declared a recess.

#### RECONVENE

At 8:06 p.m., the meeting was reconvened with Chairman Rosen and all Agency Members present.

#### MINUTES (F: Vault)

It was moved by Member Dalton, seconded by Member Tran, and carried by unanimous vote, that the minutes of the Regular Meeting of the Agency for Community Development held November 9, 2004, be and hereby are approved.

CITY COUNCIL

ROLL CALL PRESENT: (5) MAYOR BROADWATER, COUNCIL MEMBERS DALTON, LEYES, ROSEN, TRAN  
ABSENT: (0) NONE

JOINT PUBLIC HEARING WITH THE GARDEN GROVE CITY COUNCIL TO CONSIDER AN AMENDMENT TO THE SUBLEASE AGREEMENT WITH THE CITY OF GARDEN GROVE FOR THE AGENCY'S LEASED BUILDING AT 11277 GARDEN GROVE BOULEVARD (F: A-55.170) (XR: 78.4a)

Staff report dated November 23, 2004, was introduced, indicating that the West Orange County Youth Café wishes to sublease 4,636 square feet of the first floor from the Agency. Staff noted that the square footage in the staff report is incorrect.

Chairman/Council Member Rosen declared the public hearing opened and asked if anyone wished to address the Agency/Council on the matter.

There being no comments from the audience, the public hearing was declared closed.

It was moved by Member/Mayor Broadwater, seconded by Member/Council Member Tran, that the sublease agreement by and between the Agency for Community Development and the City of Garden Grove, to lease 4,636 square feet at 11277 Garden Grove Boulevard, be and hereby is approved; and the Director/City Manager and Secretary/City Clerk are authorized to execute the agreement.

THE CITY COUNCIL RECESSED AT 8:11 P.M.

PUBLIC HEARING TO CONSIDER A RESOLUTION OF NECESSITY TO ACQUIRE BY CONDEMNATION CERTAIN REAL PROPERTY LOCATED AT 12151 HARBOR BOULEVARD (PARCEL NO. 231-471-02) (F: A-55.232) (XR: A-55.301)

Staff report dated November 23, 2004, was introduced. Staff commented that they have met with the property owner's attorney several times since the initial offer letters were sent to Mr. Calender, and no counter offers were ever received.

In response to Member Tran, this action is only for the property where Los Sanchez sits. He noted that Los Sanchez is willing to move to a new location on Garden Grove Boulevard.

In response to Member Leyes, staff has spoken only to Mr. Calender's attorney, and staff received a return receipt for the letters that were sent to Mr. Calender.

Chairman Rosen declared the public hearing opened and asked if anyone wished to address the Agency on the matter.

There being no comments from the audience the public hearing was declared closed.

Chairman Rosen commented that he is going to vote in favor of this request. He noted that it is part of the plan for Harbor Boulevard and is immediately south of the Crowne Plaza Hotel. Los Sanchez and Green Glass have already been relocated to continue developing the area. He indicated that this is the first time that the Agency has started the eminent domain process since 2000, which is only used as a last resort.

Member Tran commented that he is also in support of the request. He requested that staff continue to try to work with the property owner. There is already a General Plan to revitalize this corridor, and the Plan has been discussed and debated over the past several years. This is commercial property that has been included in the revitalization for several years.

Member Leyes commented that this property is included in site B-2. This area has seen a lot of growth. The tragedy of September 11 weakened the economy and impacted the tourist trade, which has had a slow recovery. He indicated that by the Agency putting in more hotels, it will spread the tourists around, and will not show any growth in the tourist trade. He noted that he is in support of the Redevelopment Plan, but he was not in favor of going forward with this type of action. He indicated that this is eminent domain where government takes property to use for a public purpose. One of the criteria is that it must be for public necessity. He noted that although it is clear that this project needs this property, he is not certain that it has to be done now.

In response to Member Tran, Special Counsel commented that the process could take from six months to two years if they have to go to trial.

Member Dalton commented that when site B-2 was discussed a few years ago, he asked when they could begin this project. He was told that they could begin in 90 days. Unfortunately a lot of events happened which delayed the project. He noted that he drives by the

hotels frequently, and it seems that the occupancy is up; although he wonders whether it is because the large banquet rooms are being used or because the rooms are being used. He commented that it is an advantage to the property owner if this process is started.

Member Tran commented that we have had plans for this Corridor for 10 years. He noted that the City wants a friendly business environment. If a developer wants to build a hotel, then let him risk his money on the project.

Member Broadwater commented that twice property owners have asked the City to start the eminent domain process because it gave them time to reinvest their money. He did not recall any property owner who lost their home to eminent domain. The Agency has worked very hard to move Los Sanchez to another location. They will own their property on Garden Grove Boulevard. The eminent domain process has to start now before the property owner gets another tenant, and the Agency will have to buy out the lease.

#### RESOLUTION NO. 646

Member Tran moved, seconded by Member Rosen, that full reading of Resolution No. 646 be waived, and said Resolution entitled A RESOLUTION OF GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT DETERMINING THE PUBLIC INTEREST AND NECESSITY, AND DECLARING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT 12151 HARBOR BOULEVARD (AP NO. 231-471-02) FOR REDEVELOPMENT AND OTHER PUBLIC PURPOSES; DIRECTING AND AUTHORIZING AGENCY COUNSEL TO PREPARE, COMMENCE AND PROSECUTE AN EMINENT DOMAIN ACTION IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF ORANGE, be and hereby is adopted by the following vote:

AYES: MEMBERS: (4) BROADWATER, DALTON, TRAN, ROSEN  
NOES: MEMBERS: (1) LEYES  
ABSENT: MEMBERS: (0) NONE

#### RECESS

At 8:45 p.m., the Chairman declared a recess.

#### RECONVENE

At 8:55 p.m., the meeting was reconvened with Chairman Rosen and all Agency Members in attendance.

RELOCATION PLAN FOR THE KATELLA/GILBERT HOUSING DEVELOPMENT PROJECT (F: A-55.299) (XR: A-48.21)

Staff report dated November 23, 2004, was introduced.

It was moved by Member Broadwater, seconded by Member Dalton, and approved by unanimous vote, that the Katella/Gilbert Housing Development Project Relocation Plan be and hereby is approved.

NEGOTIATION AGREEMENT WITH THE NHAN AI FOUNDATION TO EXPLORE THE FEASIBILITY OF DEVELOPING A VIETNAMESE LIBRARY AND CULTURAL CENTER (F: A-116.10)

Staff noted that this item was continued from the Agency meeting of November 9, 2004. The Director commented that there has been interest from the Foundation to find a location in the community for the Vietnamese Library and Cultural Center. He noted that the Brookhurst Triangle was considered; however, it was determined that trying to include a cultural center would be difficult and not economically feasible. The Foundation had made inquiries as to where else there would be a suitable site.

The Director noted that Staff identified several sites that were previously presented to the Agency. It was determined that it might be appropriate to identify a possible site on Garden Grove Boulevard. Staff was directed to prepare a negotiation agreement with the Foundation. The individual sites were not previously listed for Closed Session consideration. That has now been corrected and all the possible sites have been listed in Closed Session and reported in Open Session. This matter is now listed this evening for discussion. The agreement that was approved on August 24, 2004, has been rescinded.

Member Leyes questioned whether the agreement should be attached to a specific site. Special Counsel commented that the Agency does not have to have a specific site. The agreement is to explore potential sites.

Member Leyes commented that he found a site on the Internet for the Nhan Ai Foundation, but he is not sure if it is the same because it is all in Vietnamese. He requested information from the Foundation on whether they have a 503C non-profit status, but he has not received it yet. He also commented that the discussion is for a negotiation agreement; however, there was no agreement attached to the staff report. He noted that the idea of having some

kind of cultural center for the Vietnamese community is very interesting and very valid, and it should happen.

Chairman Rosen commented that the Agency can nitpick over anything and nothing gets accomplished. He indicated that the report in the Register was incorrect. There was no discussion about a match of any money from the City. The Agency is free to discuss every aspect of this subject now that the listing requirements have been fulfilled.

Member Tran commented that people believe everything they read in the newspaper, and the latest article can attest to that. The information was not correct. He questioned why the civic center area was being considered. The Director commented that over the past few years, the Agency has been purchasing property in the Civic Center area from willing sellers. Expansion of the Civic Center has been considered to revitalize this area. The Agency did not formally identify this area as an area to expand; however, it has been listed in the General Plan.

Member Tran questioned how many parcels in the two to three acres being considered are owned by the Agency. The Director commented that the Agency owns 5 of the 11 parcels. These parcels make up the area known as Area 4.

Member Tran inquired whether there has been any contact with the property owners of the remaining parcels. The Director responded in the negative. The Negotiation Agreement was a very preliminary step, and it would have to be further along before the Agency assembles the sites.

Member Broadwater commented that there are hundreds of stories of the Vietnamese people that do need to be memorialized. Americans are known for helping other people. This has nothing to do with the Communists. It has to do with the Vietnamese people leaving their homeland and coming to America. He noted that there is a short period of history that does need to be remembered.

Member Tran commented that this project came about four years ago when the City Council had a retreat, and there was a consensus to move this project along. It is important for everyone to learn about the Vietnamese War so that people do not repeat the same mistakes. He noted that there have been six locations identified. If they are not appropriate locations, then they should go back to the drawing board.

Member Dalton commented that this is not just a refugee experience; it is a war experience. Many Americans are interested in what happened there. This is an opportunity to document numerous things. He indicated that the Agency should go back to the drawing board. The majority of the people feel that this is a good project. The problem is the location.

It was moved by Member Tran, seconded by Member Dalton, and approved by unanimous vote, that a subcommittee be established after the new Agency/City Council members have been seated; and that staff is directed to continue to explore other sites and contact the Foundation for future discussions.

#### ADJOURNMENT

At 9:40 p.m., the meeting was declared adjourned.

PRISCILLA STIERSTORFER  
DEPUTY SECRETARY