

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, April 13, 2010, at 6:41 p.m.

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

ABSENT: (1) COUNCIL MEMBER DO

INVOCATION AND PLEDGE

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

BUSINESS SPOTLIGHT - RECOGNITION OF BUCA DI BEPPO AS GARDEN GROVE'S APRIL 2010 OUTSTANDING BUSINESS HONOREE (F: 52.3)

Mayor Dalton called forward Kevin Sheehan, General Manager of Buca di Beppo, and presented him with a Certificate of Recognition and gift recognizing Buca di Beppo as Garden Grove's April 2010 Outstanding Business Honoree.

PRESENTATION - ORANGE COUNTY'S 2-1-1 PROGRAM (F: 52.3)

Steve Lemler, VISTA Member, provided information and cards on the services provided by Orange County's 2-1-1 Program.

ORAL COMMUNICATIONS

Robin Marcario commented on various civic and community matters, including the Brookhurst Triangle, and the Paramedic Tax Override.

Marina Limon, Randy Maynor, Martin Rocha, and Jose Sanchez, residents of the Travel Country RV Park, commented on the Replacement Housing Plan under consideration at this meeting, and the condition of the Park.

Staff provided copies of a comment letter received from Remy De La Peza, Staff Attorney with Community Development Project-HOPE Unit, dated April 13, 2010. Staff indicated they would respond to the letter in a timely manner. (F: A-48.20) (XR: A-55.321)

Rod Powell spoke against the use of fireworks within the city, and stated his opinion that Council Member Do is not a resident of Garden Grove.

Philbert Waters expressed his displeasure with the impact a sanitation project is having on his neighborhood. Mayor Dalton assured Mr. Waters staff would be in contact with him.

PROCLAMATION DECLARING APRIL 2010, AS RECORDS AND INFORMATION MANAGEMENT MONTH (F: 83.1)

Staff report dated April 13, 2010, was introduced.

It was moved by Council Member Jones, seconded by Council Member Broadwater, and carried by unanimous vote of those present that April 2010, be and hereby is proclaimed as Records and Information Management Month in Garden Grove.

AWARD OF CONTRACT TO ORTCO INC., FOR THE INSTALLATION OF PLAY EQUIPMENT AND SURFACING REPAIR AT FAYLANE PARK (F: 55) (XR: 73.4)

Staff report dated April 13, 2010, was introduced.

It was moved by Council Member Jones, seconded by Council Member Broadwater, and carried by unanimous vote of those present that the contract for the replacement of playground equipment and repair of surfacing at Faylane Park, in the amount of \$9,950.40, be and hereby is awarded to Ortco, Inc.; and the City Manager is authorized to execute the agreement on behalf of the City.

AGREEMENT WITH SERAFIN FIGUEROA AND MARIA FIGUEROA FOR THE ACQUISITION OF A PORTION OF REAL PROPERTY LOCATED AT 13551 FAIRVIEW STREET, GARDEN GROVE (F: 84.1) (XR: 96.proj.7255)

Staff report dated April 13, 2010, was introduced.

It was moved by Council Member Jones, seconded by Council Member Broadwater, and carried by unanimous vote of those present that the acquisition of the fee simple title over a portion of the subject property be approved; that the Agreement by and between the City of Garden Grove and Pomelo, LLC, for the acquisition of a portion of real property located at 13551 Fairview Street, Garden Grove, be and hereby is approved; the City Manager is authorized to execute the Purchase Agreement and make minor modifications as needed; the City Clerk is authorized to accept the Grant Deed; and the Finance Director is authorized to draw a warrant in the amount of \$72,864 for the property acquisition and funds necessary for closing costs.

AGREEMENT WITH THANG PHAM AND HUYEN CHI THI PHAM FOR THE ACQUISITION OF A PORTION OF REAL PROPERTY LOCATED AT 13581 FAIRVIEW STREET, GARDEN GROVE (F: 84.1) (XR: 96.proj.7255)

Staff report dated April 13, 2010, was introduced.

It was moved by Council Member Jones, seconded by Council Member Broadwater, and carried by unanimous vote of those present that the acquisition of the fee simple title over a portion of the subject property be approved; that the Agreement by and between the City of Garden Grove and Pomelo, LLC, for the acquisition of a portion of real property located at 13581 Fairview Street, Garden Grove, be and hereby is approved; the City Manager is authorized to execute the Purchase Agreement and make minor modifications as needed; the City Clerk is authorized to accept the Grant Deed; and the Finance Director is authorized to draw a warrant in the amount of \$47,375 for the property acquisition and funds necessary for closing costs.

COOPERATION AGREEMENT WITH THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT CONCERNING THE PURCHASE OF REAL PROPERTY LOCATED AT 13531 FAIRVIEW STREET, GARDEN GROVE (F: A-84.1) (XR: 84.1) (XR: 96.proj.7255)

This matter was considered later in the meeting.

RELOCATION PLAN FOR ELIGIBLE DISPLACED TENANTS AT THE TRAVEL COUNTRY RV PARK AND ONE ADJACENT BUSINESS (F: A-48.21)
(XR: A-55.321) (XR: A-55.346) (XR: 43.4)

This matter was considered later in the meeting.

RENEWAL OF AGREEMENT WITH THE COUNTY OF ORANGE FOR THE PROVISION OF SERVICES PROMOTING SAFE AND STABLE FAMILIES FOR THE OPERATION OF THE MAGNOLIA PARK FAMILY RESOURCE CENTER (F: 55)
(XR: 73.8A)

Staff report dated April 13, 2010, was introduced.

It was moved by Council Member Jones, seconded by Council Member Broadwater, and carried by unanimous vote of those present that the Agreement by and between the City of Garden Grove and the County of Orange Social Services Agency, for family support services at Magnolia Park Family Resource Center, be and hereby is approved; and the City Manager is authorized to sign and execute the Agreement including making any modifications during the contract period, July 1, 2010 through July 30, 2011, for the operation and implementation of the contract services.

MINUTES

It was moved by Council Member Jones, seconded by Council Member Broadwater, and carried by unanimous vote of those present that the City Council minutes for the Special Meeting held November 24, 2009, be and hereby are received and filed.

WARRANTS (F: 60.5)

It was moved by Council Member Jones, seconded by Council Member Broadwater, and carried by unanimous vote of those present that Regular Warrants 463902 through 466093, Wires W600 through W464178, Wires W604 through W612, Wires W464711 through W464740, and Wires W613 through W464840; and Payroll Warrants 165330 through 165728, Direct Deposits D185350 through D186698, Wires W1539 through W1542, and Wires W1540A through W1550, 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 Jones, seconded by Council Member Broadwater, and carried by unanimous vote of those present that full reading of all Ordinances listed for consideration of adoption be waived.

COOPERATION AGREEMENT WITH THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT CONCERNING THE PURCHASE OF REAL PROPERTY LOCATED AT 13531 FAIRVIEW STREET, GARDEN GROVE
(F: A-84.1) (XR: 84.1) (XR: 96.proj.7255)

DUE TO A POTENTIAL CONFLICT OF INTEREST, MEMBER JONES RECUSED HIMSELF FROM THIS MATTER.

MEMBER JONES LEFT THE MEETING AT 7:18 P.M.

Staff report dated April 13, 2010, was introduced.

RESOLUTION NO. 8965-10

It was moved by Council Member Nguyen, seconded by Council Member Broadwater, and carried by unanimous vote of those present that full reading of Resolution No. 8965-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A COOPERATION, PURCHASE AND SALE AGREEMENT BY AND BETWEEN THE CITY AND THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT, be and hereby is adopted.

COUNCIL MEMBER JONES RETURNED TO THE MEETING AT 7:20 P.M.

RELOCATION PLAN FOR ELIGIBLE DISPLACED TENANTS AT THE TRAVEL COUNTRY RV PARK AND ONE ADJACENT BUSINESS (F: A-48.21)
(XR: A-55.321) (XR: A-55.346) (XR: 43.4)

Staff report dated April 13, 2010, was introduced.

RESOLUTION NO. 8966-10

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote of those present that full reading of Resolution No. 8966-10 be waived, and said Resolution entitled A RESOLUTION OF CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE UPDATED RELOCATION PLAN FOR THE

TRAVEL COUNTRY RV PARK AND ONE BUSINESS AND MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH, be and hereby is adopted.

PUBLIC HEARING - PROTESTS ON THE SPRING 2010 WEED ABATEMENT NOTICES (F: 113.spring10)

This matter was considered later in the meeting.

PUBLIC HEARING - PLANNED UNIT DEVELOPMENT NO. PUD-124-10, AND DEVELOPMENT AGREEMENT NO. DA-180-10, INCLUDING THE ADOPTION OF A NEGATIVE DECLARATION (F: 116.PUD-124.10) (XR: 106.DA-180-10)

This matter was considered later in the meeting.

STREET VACATION NO. SV-118-10 TO VACATE A PORTION OF WALNUT STREET, GARDEN GROVE, LOCATED BETWEEN CENTURY BOULEVARD AND TAFT STREET (F: 110.SV-118-10) (XR: A-116.4) (XR: 57.1)

This matter was considered later in the meeting.

AMENDMENT NO. A-154-10 – AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE REGARDING UNDERGROUND UTILITIES (F: 115.A-154-10) (XR: 50.3)

This matter was considered later in the meeting.

PUBLIC HEARING - JOINT PUBLIC HEARING WITH THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT TO CONSIDER THE AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT WITH GARDEN GROVE MXD, LLC (F: A-55.346) (XR: 43.4)

Staff report dated April 13, 2010, was introduced and reviewed by staff.

Council/Agency Member Nguyen inquired about the financial assistance and Agency contribution to this project.

Staff explained that the original agreement required spreading the money out over time requiring more Agency money contributed to the project because of the time value of money, and the Agency would have been required to share tax revenues with the Developer. Under the new proposal, \$42 million would be due to the Developer at the time the hotel opens with the City receiving the full amount of tax revenue estimated at \$8.5 million per year. The debt service would be

about \$4 million, leaving approximately \$4.5 million annually as a net effect to the City.

Agency Chair/Council Member Broadwater declared the Public Hearing open for both the City Council and the Agency and asked if anyone wished to address the Agency/City Council on the matter.

In response to Charles Mitchell's concern regarding putting the money forward at this time when the economy and the State budget are precarious, Agency Chair/Council Member Broadwater stated the bond would not be issued until the time the hotel opens.

In response to Peggy Bergin's inquiry concerning where the tax revenues would go, Agency Chair/Council Member Broadwater indicated the revenues are Bed Tax, which go directly into the City fund.

In response to Robin Marcario's inquiry, Agency Chair/Council Member Broadwater stated the funding would be a bond, not COP (Certificates of Participation), and does not need voter approval.

Chad McWhinney, the Developer, provided background on the new proposal. He indicated this project will cost upwards to \$300 million to develop, and would be one of the largest new construction projects in the State of California. He further commented that in the past lenders have been willing to take revenues over a certain period of time, as originally proposed. However, due to the turmoil and changes in the financial market, lenders are cautious, and focused on wanting revenues up front. He thanked staff for working with him to meet lender requirements. By providing revenue to lenders upfront, it increases the likelihood the project would move forward sooner benefiting all parties involved.

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

Agency Chair/Council Member Broadwater noted the benefits the City realizes by taking advantage of hotel development opportunities.

Mayor/Agency Member Dalton stated he is often asked why the City is not waiting to develop projects until the economy turns around, his response is that in order to take advantage of a better economy in the future, the time to develop is now.

CITY COUNCIL ACTION
RESOLUTION NO. 8963-10

It was moved by Council Member Nguyen, seconded by Council Member Jones, and carried by unanimous vote of those present that full reading of Resolution No. 8963-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE CONSENTING TO THE APPROVAL BY THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT OF A FIRST AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE AGENCY AND GARDEN GROVE MXD, LLC, be and hereby is adopted.

AGENCY ACTION
RESOLUTION NO. 683

It was moved by Member Nguyen, seconded by Member Jones, and carried by unanimous vote of those present that full reading of Resolution No. 683 be waived, and said Resolution entitled A RESOLUTION OF THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT APPROVING THE FIRST AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE AGENCY AND GARDEN GROVE MXD, LLC AND MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH, be and hereby is adopted; and

Authorize the Agency Director to execute any pertinent documents to fully execute this Agreement.

PUBLIC HEARING - JOINT PUBLIC HEARING WITH THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT TO CONSIDER THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH CENTURY VILLAGE GROUP, LLC FOR THE DEVELOPMENT OF REAL PROPERTY COMMONLY KNOWN AS THE CENTURY TRIANGLE (F: A-55.360) (XR: A-116.4) (XR: 43.4)

DUE TO A POTENTIAL CONFLICT OF INTEREST, COUNCIL/AGENCY MEMBER JONES RECUSED HIMSELF FROM THE FOLLOWING MATTER.

COUNCIL/AGENCY MEMBER JONES LEFT THE MEETING AT 7:34 P.M.

Staff report dated April 13, 2010, was introduced and reviewed by staff.

Council/Agency Member Nguyen inquired about the status of the properties to the left of the project that are not part of the development plan. Staff responded the property owners are not willing to sell.

Agency Chair/Council Member Broadwater declared the Public Hearing open for both the Agency and the City Council and asked if anyone wished to address the City Council/Agency on the matter.

Charles Mitchell inquired as to the relocation process for the businesses at the corner of Century Boulevard and Taft Street. Agency Chair/Council Member Broadwater indicated those businesses are no longer there.

Robin Marcario spoke in opposition to the project because of what she felt was a lack of competitive bid process, poor notification process, and the Planning Commission has not considered the project.

In response to Agency Chair/Council Member Broadwater's request to address Ms. Marcario's concerns, Agency Counsel stated no laws have been violated, and that the Public Hearing was noticed in a newspaper of general circulation; the project will be brought forward to the Planning Commission in due course; a competitive bid to select a developer for this site had been held, and a Public Hearing is needed for a Disposition and Development Agreement, not a competitive bid.

Jim Barisic, Developer of the project, provided background on how this project has been developed over the past year and a half. He feels the project will be a great contribution to the community, and is prepared to move forward once approved.

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

CITY COUNCIL ACTION
RESOLUTION NO. 8964-10

It was moved by Mayor Dalton, seconded by Council Member Nguyen, and carried by unanimous vote of those present that full reading of Resolution No. 8964-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE CONSENTING TO THE APPROVAL BY THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT OF A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE AGENCY AND CENTURY VILLAGE GROUP, LLC, be and hereby is adopted.

AGENCY ACTION
RESOLUTION NO. 684

It was moved by Mayor Dalton, seconded by Member Nguyen, and carried by unanimous vote of those present that full reading of Resolution No. 684 be waived, and said Resolution entitled A RESOLUTION OF THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE AGENCY AND CENTURY VILLAGE GROUP, LLC AND MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH, be and hereby is adopted; and

Authorize the Agency Director to execute the Disposition and Development Agreement and any other pertinent documents to effectuate the Disposition and Development Agreement.

RECESS

At 7:50 p.m., the Mayor declared a recess.

RECONVENE

At 7:58 p.m., Mayor Dalton reconvened the City Council meeting with Council Members Broadwater, Jones, and Nguyen present.

PUBLIC HEARING - PROTESTS ON THE SPRING 2010 WEED ABATEMENT NOTICES (F: 113.spring10)

Staff report dated April 13, 2010, 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 Jones, and carried by unanimous vote of those present that staff is directed to proceed with the scheduled weed abatement.

DUE TO A POTENTIAL CONFLICT OF INTEREST, COUNCIL MEMBER JONES RECUSED HIMSELF FROM THE FOLLOWING MATTERS.

COUNCIL MEMBER JONES LEFT THE MEETING AT 7:59 P.M.

PUBLIC HEARING - PLANNED UNIT DEVELOPMENT NO. PUD-124-10, AND DEVELOPMENT AGREEMENT NO. DA-180-10, INCLUDING THE ADOPTION OF A NEGATIVE DECLARATION (F: 116.PUD-124.10) (XR: 106.DA-180-10)

Staff report dated April 13, 2010, was introduced and reviewed by staff.

The Applicant, Brandywine Homes, submitted a request to rezone a 2.48 acre site from R-1 (Single-Family Residential) to Planned Unit Development Residential to allow a small-lot single-family residential subdivision at 13531, 13551, 13581, and 13585 Fairview Street, Garden Grove, on the west side of Fairview Street, south of Trask Avenue.

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

Charles Mitchell commented on the vehicle and pedestrian access to the area, and that residents would need to park on the streets.

Jim Barisic, Developer of the project, noted a variance is not being requested; staff's recommendations have been included in the design of the project.

Peggy Bergin commented on the impact to traffic in this area, lack of parking, and only one access.

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

Mayor Dalton indicated he would support this project, which is a much-needed improvement for this area.

Council Member Nguyen expressed support for the project, and advised staff to watch for any negative impact to traffic that may occur.

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

ORDINANCE NO. 2773 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 NEGATIVE DECLARATION AND APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-124-10, CHANGING THE ZONING DESIGNATION FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-124-10

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote of those present that Ordinance No. 2773 be and hereby is passed to second reading.

ORDINANCE NO. 2774 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 NEGATIVE DECLARATION AND ADOPTING DEVELOPMENT AGREEMENT NO. DA-180-10 BETWEEN BRANDYWINE HOMES (DEVELOPER), AND THE CITY OF GARDEN GROVE

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote of those present that Ordinance No. 2774 be and hereby is passed to second reading.

PUBLIC HEARING - STREET VACATION NO. SV-118-10 TO VACATE A PORTION OF WALNUT STREET, GARDEN GROVE, LOCATED BETWEEN CENTURY BOULEVARD AND TAFT STREET (F: 110.SV-118-10) (XR: A-116.4) (XR: 57.1)

Staff report dated April 13, 2010, 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, the Public Hearing was declared closed.

RESOLUTION NO. 8967-10

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote of those present that full reading of Resolution No. 8967-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING STREET VACATION NO. SV-118-10 TO VACATE THAT PORTION OF WALNUT STREET, LOCATED BETWEEN

CENTURY BOULEVARD AND TAFT STREET, AS IDENTIFIED IN EXHIBIT "A" ATTACHED, be and hereby is adopted.

COUNCIL MEMBER JONES RETURNED TO THE MEETING AT 8:16 P.M.

PUBLIC HEARING - AMENDMENT NO. A-154-10 – AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE REGARDING UNDERGROUND UTILITIES (F: 115.A-154-10) (XR: 50.3)

Staff report dated April 13, 2010, was introduced and reviewed by staff.

Council Member Broadwater inquired about the size a project must be before a developer is required to underground utilities, and specifically requested the Century Triangle Project utility poles be undergrounded.

Staff responded that projects less than five acres could pay an in lieu fee. Those monies would then be used to fund undergrounding projects within the city. Staff confirmed the intention is to underground the poles at the Century Triangle site.

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.

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

ORDINANCE NO. 2775 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-154-10 TO ADD CHAPTER 9.48 TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO UNDERGROUNDING OF UTILITIES AND AMENDING TITLE 9, CHAPTER 9.40, SECTION 160, PERTAINING TO REQUIRED SUBDIVISION IMPROVEMENTS

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote of those present that Ordinance No. 2775 be and hereby is passed to second reading.

PUBLIC HEARING - JOINT PUBLIC HEARING WITH THE GARDEN GROVE CITY COUNCIL TO CONSIDER THE AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT WITH GARDEN GROVE MXD, LLC (F: A-55.346) (XR: 43.4)

This matter was considered earlier in the meeting.

JOINT PUBLIC HEARING WITH THE GARDEN GROVE CITY COUNCIL TO CONSIDER THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH CENTURY VILLAGE GROUP, LLC FOR THE DEVELOPMENT OF REAL PROPERTY COMMONLY KNOWN AS THE CENTURY TRIANGLE (F: A-55.360) (XR: A-116.4) (XR: 43.4)

This matter was considered earlier in the meeting.

PUBLIC HEARING - RESOLUTION AMENDING THE NEIGHBORHOOD STABILIZATION PROGRAM, AND CONSIDERATION OF AN AFFORDABLE HOUSING AGREEMENT WITH PROBLEM PROPERTY RESOLUTION TEAM, LLC (F: 117.10J) (XR: A-55.193) (XR: 57.1)

Staff report dated April 13, 2010, 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, the Public Hearing was declared closed.

RESOLUTION NO. 8962-10

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote of those present that full reading of Resolution No. 8962-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE NEIGHBORHOOD STABILIZATION PROGRAM ACTIVITIES FUNDED THROUGH THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; THE EXECUTION OF AN AMENDED STANDARD AGREEMENT AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENT NECESSARY TO PARTICIPATE IN THE NEIGHBORHOOD STABILIZATION PROGRAM, be and hereby is adopted.

SECOND READING OF ORDINANCE NO. 2772 (F: 55) (XR: 78.12)

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

ORDINANCE NO. 2772 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 AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE TWO YEARS ADDITIONAL SERVICE CREDIT (Government Code § 20903)

Following the reading of the Ordinance title, it was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote of those present that Ordinance No. 2772 be and hereby is declared adopted.

APPOINTMENT TO THE PLANNING COMMISSION (F: 122.10A)

It was moved by Mayor Dalton, seconded by Council Member Jones, and carried by unanimous vote of those present that Joseph Pak be and hereby is appointed as a Commissioner to the Planning Commission.

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

Council Member Broadwater requested a change in the agenda format be made to allow Council Members the opportunity to address issues raised during Oral Communications, rather than having to wait until the end of the meeting. Many of those who make comments during Oral Communications do not stay until the end of the meeting. Council Members concurred to have staff agendize this matter on the April 27, 2010 agenda. (F: 127.4)

Council Member Broadwater offered his condolences to the Fitzgerald family and requested the Mayor adjourn the meeting in honor of Jolyn Fitzgerald.

Council Member Nguyen requested the 211 PowerPoint presentation be made available on the City's website; congratulated Buca di Beppo for earning a place in the Guinness Book of World Records; asked staff to look into the conditions of the Travel Country RV Park; congratulated

Benny Diaz, and LULAC, for their fundraising and scholarship efforts; and encouraged residents to continue to buy in Garden Grove.

Council Member Jones commented on the agreement with Garden Grove MXD, LLC for the development of a water park hotel. He stated that in order to take advantage of Disney's renovation of California Adventure and to be ready when the economy turns around, the time to develop and build is now.

Mayor Dalton announced that the Los Alamitos Base would not be continuing with its composting project. He thanked both Mayor pro Tem Jones and Tony Flores for their efforts on behalf of the community. He offered his condolences to the Selz and Fitzgerald families, and adjourned the meeting in both Bernie Selz' and Jolyn Fitzgerald's memory.

ADJOURNMENT

At 8:36 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
CITY CLERK

MINUTES

GARDEN GROVE CITY COUNCIL

A Study Session of the Garden Grove City Council was called to order in the Founders Room of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, on Tuesday, April 13, 2010, at 5:42 p.m.

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

ABSENT: (1) COUNCIL MEMBER DO

PUBLIC INPUT

None.

PUBLIC SAFETY MASTER PLAN (F: 55) (XR: 82.1) (XR: 61.1)

Griffin Structures, Inc. representatives, along with representatives from LPA, Inc., provided a PowerPoint presentation on the Public Safety Master Plan. Phase 1, Needs Assessment Schematic Design and Budget, has been completed. Phase 2 includes design development and an updated Statement of Probable Costs, and Phase 3 completes the construction and includes relocation and occupancy. Alternative building designs were also presented.

After City Council discussion, it was moved by Council Member Broadwater, seconded by Council Member Nguyen and carried by unanimous vote of those present that staff be directed to proceed with Phase 2 of the Public Safety Master Plan.

SOLID WASTE CONTRACT RENEWAL PROCESS (F: S-55.1)

Staff provided a PowerPoint presentation on the solid waste contract renewal process. Landfill rates will increase to \$29.95 per ton, effective July 1, 2010. This rate will necessitate a pass-through adjustment to the users, increasing rates. The City of Fullerton renewed their ten-year agreement with Garden Grove Disposal in 2009 that did not require a rate increase and offered options that Garden Grove's current agreement does not include. Staff has had preliminary meetings with Garden Grove Disposal to discuss a new contract.

Two options were presented: 1) to institute a rate increase; and 2) to renegotiate a new contract with Garden Grove Disposal.

After City Council discussion, staff was directed to continue meetings with Garden Grove Disposal regarding an agreement.

ADJOURNMENT

At 6:26 p.m., the Study Session was adjourned.

KATHLEEN BAILOR
CITY CLERK

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, April 13, 2010, at 6:56 p.m.

ROLL CALL: PRESENT: (4) CHAIR BROADWATER, MEMBERS DALTON, JONES, NGUYEN

ABSENT: (1) MEMBER DO

ORAL COMMUNICATIONS

Marina Limon, Randy Maynor, Martin Rocha, and Jose Sanchez, residents of the Travel Country RV Park, commented on the Replacement Housing Plan under consideration at this meeting, and the condition of the Park. (F: A-48.20) (XR: A-55.321)

Staff provided copies of a comment letter received from Remy De La Peza, Staff Attorney with Community Development Project-HOPE Unit, dated April 13, 2010. Staff indicated they would respond to the letter in a timely manner. (F: A-48.20) (XR: A-55.321)

RECESS

At 7:23 p.m., the Chair declared a recess.

RECONVENE

At 7:25 p.m., Chair Broadwater reconvened the Agency meeting with Members Dalton, Jones, and Nguyen present.

COOPERATION AGREEMENT WITH THE CITY OF GARDEN GROVE
CONCERNING THE PURCHASE OF REAL PROPERTY LOCATED AT 13531
FAIRVIEW STREET, GARDEN GROVE (F: A-84.1) (XR: 84.1)
(XR: 96.proj.7255)

DUE TO A POTENTIAL CONFLICT OF INTEREST, MEMBER JONES RECUSED HIMSELF FROM THIS MATTER.

AGENCY/COUNCIL MEMBER JONES LEFT THE MEETING AT 7:26 P.M.

Staff report dated April 13, 2010, was introduced.

It was moved by Member Dalton, seconded by Member Nguyen, and carried by unanimous vote of those present that the Cooperation, Purchase, and Sale Agreement by and between the City of Garden Grove and the Garden Grove Agency for Community Development, for the Agency's acquisition of 18,480 square feet of real property located at 13531 Fairview Street, Garden Grove, in the amount of \$370,000, be and hereby is approved; and the Director is authorized to execute all agreements.

MEMBER JONES RETURNED TO THE MEETING AT 7:29 P.M.

RELOCATION PLAN FOR ELIGIBLE DISPLACED TENANTS AT THE TRAVEL
COUNTRY RV PARK AND ONE ADJACENT BUSINESS (F: A-48.21)
(XR: A-55.321) (XR: A-55.346) (XR: 43.4)

Staff report dated April 13, 2010, was introduced.

It was moved by Member Jones, seconded by Member Dalton, and carried by unanimous vote of those present that the Updated Relocation Plan for the Travel Country RV Park and one Adjacent Business, be and hereby is received and filed; and the Director or his designees are authorized to implement the Updated Relocation Plan in cooperation with the City.

PUBLIC HEARING - JOINT PUBLIC HEARING WITH THE GARDEN GROVE CITY
COUNCIL TO CONSIDER THE AMENDED AND RESTATED DISPOSITION AND
DEVELOPMENT AGREEMENT WITH GARDEN GROVE MXD, LLC (F: A-55.346)
(XR: 43.4)

Staff report dated April 13, 2010, was introduced and reviewed by staff.

Agency/Council Member Nguyen inquired about the financial assistance and Agency contribution to this project.

Staff explained that the original agreement required spreading the money out over time requiring more Agency money contributed to the project because of the time value of money, and the Agency would have been required to share tax revenues with the Developer. Under the new proposal, \$42 million would be due to the Developer at the time the hotel opens with the City receiving the full amount of tax revenue estimated at \$8.5 million per year. The debt service would be about \$4 million, leaving approximately \$4.5 million annually as a net effect to the City.

Chair/Council Member Broadwater declared the Public Hearing open for both the Agency and the City Council and asked if anyone wished to address the Agency/City Council on the matter.

In response to Charles Mitchell's concern regarding putting the money forward at this time when the economy and the State budget are precarious, Chair/Council Member Broadwater stated the bond would not be issued until the time the hotel opens.

In response to Peggy Bergin's inquiry concerning where the tax revenues would go, Chair/Council Member Broadwater indicated the revenues are Bed Tax, which go directly into the City fund.

In response to Robin Marcario's inquiry, Chair/Council Member Broadwater stated the funding would be a bond, not COP (Certificates of Participation), and does not need voter approval.

Chad McWhinney, the Developer, provided background on the new proposal. He indicated this project will cost upwards to \$300 million to develop, and would be one of the largest new construction projects in the State of California. He further commented that in the past lenders have been willing to take revenues over a certain period of time, as originally proposed. However, due to the turmoil and changes in the financial market, lenders are cautious, and focused on wanting revenues up front. He thanked staff for working with him to meet lender requirements. By providing revenue to lenders upfront, it increases the likelihood the project would move forward sooner benefiting all parties involved.

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

Chair/Council Member Broadwater noted the benefits the City realizes by taking advantage of hotel development opportunities.

Member/Mayor Dalton stated he is often asked why the City is not waiting to develop projects until the economy turns around. His response to these questions is that in order to take advantage of a better economy in the future, the time to develop is now.

CITY COUNCIL ACTION
RESOLUTION NO. 8963-10

It was moved by Council Member Nguyen, seconded by Council Member Jones, and carried by unanimous vote of those present that full reading of Resolution No. 8963-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE CONSENTING TO THE APPROVAL BY THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT OF A FIRST AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE AGENCY AND GARDEN GROVE MXD, LLC, be and hereby is adopted.

AGENCY ACTION
RESOLUTION NO. 683

It was moved by Member Nguyen, seconded by Member Jones, and carried by unanimous vote of those present that full reading of Resolution No. 683 be waived, and said Resolution entitled A RESOLUTION OF THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT APPROVING THE FIRST AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE AGENCY AND GARDEN GROVE MXD, LLC AND MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH, be and hereby is adopted; and

Authorize the Agency Director to execute any pertinent documents to fully execute this Agreement.

DUE TO A POTENTIAL CONFLICT OF INTEREST, AGENC/COUNCIL MEMBER JONES RECUSED HIMSELF FROM THE FOLLOWING MATTERS.

AGENCY/COUNCIL MEMBER JONES LEFT THE MEETING AT 7:34 P.M.

PUBLIC HEARING - JOINT PUBLIC HEARING WITH THE GARDEN GROVE CITY COUNCIL TO CONSIDER THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH CENTURY VILLAGE GROUP, LLC FOR THE DEVELOPMENT OF REAL PROPERTY COMMONLY KNOWN AS THE CENTURY TRIANGLE (F: A-55.360) (XR: A-116.4) (XR: 43.4)

Staff report dated April 13, 2010, was introduced and reviewed by staff.

Agency/Council Member Nguyen inquired about the status of the properties to the left of the project that are not part of the development plan. Staff responded the property owners are not willing to sell.

Chair/Council Member Broadwater declared the Public Hearing open for both the Agency and the City Council and asked if anyone wished to address the Agency/City Council on the matter.

Charles Mitchell inquired as to the relocation process for the businesses at the corner of Century Boulevard and Taft Street. Chair/Council Member Broadwater indicated those businesses are no longer there.

Robin Marcario spoke in opposition to the project because of what she felt was a lack of a competitive bid process, poor notification process, and the Planning Commission has not considered the project.

In response to Chair/Council Member Broadwater's request to address Ms. Marcario's concerns, Agency Counsel stated no laws have been violated, and that the Public Hearing was noticed in a newspaper of general circulation; the project will be brought forward to the Planning Commission in due course; a competitive bid to select a developer for this site had been held, and a Public Hearing is needed for a Disposition and Development Agreement, not a competitive bid.

Jim Barisic, Developer of the project, provided background on how this project has been developed over the past year and a half. He feels the project will be a great contribution to the community, and is prepared to move forward once approved by the City Council.

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

CITY COUNCIL ACTION
RESOLUTION NO. 8964-10

It was moved by Mayor Dalton, seconded by Council Member Nguyen, and carried by unanimous vote of those present that full reading of Resolution No. 8964-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE CONSENTING TO THE APPROVAL BY THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT OF A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE AGENCY AND CENTURY VILLAGE GROUP, LLC, be and hereby is adopted.

AGENCY ACTION
RESOLUTION NO. 684

It was moved by Member Dalton, seconded by Member Nguyen, and carried by unanimous vote of those present that full reading of Resolution No. 684 be waived, and said Resolution entitled A RESOLUTION OF THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE AGENCY AND CENTURY VILLAGE GROUP, LLC AND MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH, be and hereby is adopted; and

Authorize the Agency Director to execute the Disposition and Development Agreement and any other pertinent documents to effectuate the Disposition and Development Agreement.

RECESS

At 7:50 p.m., the Chair declared a recess.

RECONVENE

At 7:55 p.m., Chair Broadwater reconvened the Agency meeting with Members Dalton and Nguyen present.

PURCHASE AND SALE AGREEMENT FOR DISPOSITION OF REAL PROPERTY
LOCATED AT 13531 FAIRVIEW STREET, GARDEN GROVE (F: 96.proj.7255)
(XR: 43.4)

Staff report dated April 13, 2010, was introduced and reviewed by staff.

It was moved by Member Nguyen, seconded by Member Dalton, and carried by unanimous vote of those present that the disposition of the subject property be approved; that the Agreement by and between the Garden Grove Agency for Community Development and Pomelo, LLC, for the disposition of real property located at 13531 Fairview Street, Garden Grove, for the purchase price of \$370,000, be and hereby is approved; and the Agency Director is authorized to execute the agreement and make minor modifications as needed, and to accept the Grant Deed on behalf of the Agency.

MEMBER JONES RETURNED TO THE MEETING AT 7:56 P.M.

ADJOURNMENT

At 7:57 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
SECRETARY