

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. 9348-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AN AMENDMENT TO AN ASBESTOS AND LEAD ABATEMENT CONTRACT IN ACCORDANCE WITH SECTION 2.50.070 OF THE GARDEN GROVE MUNICIPAL CODE FOR REMOVAL OF LEAD AND ASBESTOS CONTAINING MATERIAL FROM SUBSTANDARD STRUCTURES AT THE SITE C PROJECT SITE AND MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH

WHEREAS, the Garden Grove Agency for Community Development ("Former Agency") a redevelopment agency formerly existing under Chapter 2 of the California Community Redevelopment Law, Health and Safety Code Sections 33000, *et seq.* ("CRL") acquired certain real property located at 12222 Harbor Boulevard, 12252 Harbor Boulevard, 12262 Harbor Boulevard, 12272 Harbor Boulevard, 12292 Harbor Boulevard, 12302 Harbor Boulevard, 12511 Twintree Lane, 12531 Twintree Lane, 12551 Twintree Lane, 12571 Twintree Lane, 12237 Choisser Road, and 12239 Choisser Road, Garden Grove (collectively, the "Property"), for redevelopment purposes;

WHEREAS, on June 14, 2011, the Former Agency approved a Disposition and Development Agreement ("DDA") with Land & Design Inc., ("Developer") for the conveyance and development of an upscale hotel and related amenities at the Property;

WHEREAS, pursuant to ABX1-26, AB 1484, (collectively, the "Dissolution Act") and the State of California Supreme Court decision in California Redevelopment Association vs. Matosantos, redevelopment agencies in California, including the Agency, were dissolved as of February 1, 2012;

WHEREAS, the DOF deemed that the DDA is not an enforceable obligation which resulted in a lack of funding for property maintenance of the Property, which accelerated its deterioration;

WHEREAS, on April 9, 2013, the City of Garden Grove, a municipal corporation ("City"), and the Developer, executed a separate hotel development agreement entitled, "Grove District Resort Hotel Development Agreement" for the proposed development of the Property, which consists of the construction of an upscale select service hotel (the "Site C Project");

WHEREAS, the Property was conveyed to the City from the Successor Agency in accordance with the Long Range Property Management Plan, for economic development purposes;

WHEREAS, the Garden Grove Building Official has issued a Notice of Demolition for the following properties: 12302 Harbor Boulevard, 12511 Twintree Lane, 12531 Twintree Lane, 12551 Twintree Lane, and 12571 Twintree Lane,

Garden Grove, CA due to block walls in danger of collapse, no heating, no running water, no electricity, missing plumbing fixtures, vandalism, extremely unsanitary conditions throughout due to transient squatting, which collectively pose an immediate health and safety condition to the surrounding neighborhood, are a liability to the City, and must be demolished immediately;

WHEREAS, Section 2.50.070 of the Garden Grove Municipal Code authorizes the City Council to proceed with the repairs of a public facility without adopting plans, specifications, working details, or notice inviting bids in cases of emergency;

WHEREAS, prior to the demolition of structures, all asbestos containing material ("ACM") identified by an asbestos survey, in accordance with state and local environmental regulations;

WHEREAS, an Asbestos and Lead Abatement Services Contract was executed with Edgar Gonzalez in the amount of \$49,000.00 to remove ACM prior to demolition activities;

WHEREAS, at the time of asbestos abatement, significant amounts of additional ACM was discovered in all of the Properties. The additional ACM was located in areas that were inaccessible to the asbestos surveyor during the initial inspection. The removal of the additional ACM will cost an additional \$47,000.00; and

WHEREAS, the City Council desires to amend the Asbestos and Lead Abatement Services Contract under Section 2.50.070 of the Garden Grove Municipal Code, utilizing emergency awarding procedures to cure the immediate health and safety condition at the Property and the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garden Grove as follows:

Section 1. The foregoing recitals are a substantive part of this Resolution and fully incorporated herein.

Section 2. The City Council declares that the structures located at 12302 Harbor Boulevard, 12511 Twintree Lane, 12531 Twintree Lane, 12551 Twintree Lane, 12571 Twintree Lane, Garden Grove, CA pose an immediate hazard to life or property.

Section 3. The City Council authorizes the Finance Director to dispense with bidding procedures and proceed with emergency awarding procedures in accordance with Section 2.50.070 of the Garden Grove Municipal Code.

Section 4. The City Council hereby approves the amendment to the Asbestos and Lead Abatement Services Contract with Edgar Gonzalez increasing the contract sum to \$96,000.00 to remove all lead and asbestos containing material from the Properties prior to the demolition of the structures.

Section 5. The City Manager and his designees are hereby authorized to execute the demolition contract and all necessary documentation to comply with the Notice of Demolition.

Section 6. The City Clerk shall certify to the adoption of this Resolution.

Adopted this 26th day of April 2016.

ATTEST:

/s/ BAO NGUYEN
MAYOR

/s/ KATHLEEN BAILOR, CMC
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Garden Grove, California, at a meeting held on the 26th day of April 2016, by the following vote:

AYES: COUNCIL MEMBERS: (4) BEARD, JONES, PHAN, NGUYEN
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (1) BUI

/s/ KATHLEEN BAILOR, CMC
CITY CLERK