

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
Dept.: City Manager
Subject: AMENDMENT TO AGREEMENT
WITH THE KOREAN FESTIVAL
FOUNDATION OF ORANGE COUNTY
FOR THE 2012 KOREAN FESTIVAL

From: Kimberly Huy
Dept.: Community Services
Date: September 11, 2012

OBJECTIVE

To recommend that the City Council approve a one (1) year Amendment to the Agreement between the City and the Korean Festival Foundation of Orange County (KFFOC) in order for KFFOC to conduct the Korean Festival at the Garden Square parking lot the weekend of October 12 to October 14, 2012.

BACKGROUND

For over 20 years, the Korean Chamber of Commerce of Orange County (KCCOC), and more recently the KFFOC, has hosted the annual Korean Festival in Garden Grove at the Brookhurst Triangle and Garden Square parking lot on Garden Grove Boulevard. The three-day event includes a parade, carnival rides, food, vendors and traditional Korean entertainment and activities.

The most recent Agreement between the City and KFFOC authorized the coordination of the 2011 Festival at the Village Green Park.

DISCUSSION

Attached is an Amendment to the Agreement with KFFOC allowing them to conduct the Annual Korean Festival at the Garden Square parking lot on Garden Grove Boulevard the weekend of October 12 to October 14, 2012.

The proposed Amendment has been signed by representatives from KFFOC and has been approved as to form by the City Attorney.

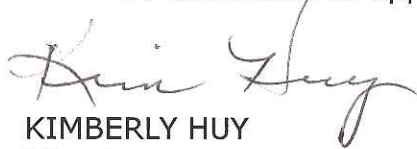
FINANCIAL IMPACT

As part of the Agreement that is being amended, KFFOC will make a deposit to the City for \$20,000 for police support, and reimburse other direct costs incurred in support of the Korean Festival.

RECOMMENDATION

It is recommended that City Council:

- Approve the Amendment to the Agreement with the Korean Festival Foundation of Orange County to conduct the Korean Festival at the Garden Square parking lot, from October 12 - 14, 2012; and
- Authorize the Mayor to execute the Agreement, including any minor modifications as appropriate thereto, on behalf of the City.



KIMBERLY HUY
Director



By: Janet Pelayo
Supervisor

Attachment: Korean Festival Amendment

Recommended for Approval



Matthew Fernal
City Manager

**CITY OF GARDEN GROVE
AMENDMENT NO. 1**

To: Korean Festival Agreement

This Amendment No. **1** to allow the Korean Festival Foundation of Orange County to sponsor and conduct the annual Korean Festival and activities in the City of Garden Grove, is made and entered into this ____ day of September 2012, by and between the **CITY OF GARDEN GROVE**, hereinafter referred to as "CITY", and **Korean Festival Foundation of Orange County**, a California non-profit corporation, hereinafter referred to as "FOUNDATION".

WHEREAS, FOUNDATION and CITY entered into an annual Agreement, effective **August 9, 2011**.

WHEREAS, FOUNDATION and CITY desire to amend the Existing Agreement as provided herein.

Now, therefore, it is mutually agreed, by and between the parties as follows:

Section 1, TERM, shall be revised as follows:

The term of this Agreement shall be extended through **October 31, 2012**, unless earlier terminated pursuant to Section 37 herein. The date for the 2012 Festival is October 12-14, 2012. The purpose of this amendment is to allow the FOUNDATION to conduct the annual Festival during 2012.

The second paragraph of Section 1 shall be deleted in its entirety.

Section 2. REIMBURSEMENT, shall be revised as follows:

The first paragraph of Section 2 shall be revised to read in its entirety as follows: "FOUNDATION shall reimburse CITY for all direct costs attributable to operation of the Festival (including a parade, if held) not covered elsewhere in this Agreement. A deposit of twenty thousand dollars (\$20,000) shall be provided by FOUNDATION to the CITY at least thirty (30) days prior to the scheduled start of the Festival. CITY shall subtract its reimbursable costs from the deposit, and refund the balance, if any, within thirty (30) days of the end of the event. If reimbursable costs exceed the deposit amount, FOUNDATION agrees to pay such excess within thirty (30) days following the mailing of an invoice to FOUNDATION for such excess costs. If FOUNDATION fails to make said deposit prior to the scheduled start of the Festival, CITY shall not issue any permits in connection with the Festival and the FOUNDATION shall not proceed with the Festival."

Section 5. USE OF VILLAGE GREEN PARK, shall be revised as follows:

The first sentence of Section 5 shall be revised to read as follows: "In consideration

of FOUNDATION's activities as provided herein, City authorizes FOUNDATION to conduct the Festival at the Garden Square Parking Lot located on Garden Grove Boulevard, including, but not limited to, food booths, amusement zone operations, ancillary music and related uses, subject to FOUNDATION submitting to CITY a schedule of events, operations plan and complete plot plan (vendor locations, carnival area, stage area, vehicles, fire lanes, etc.) no later than thirty (30) days before the Festival, and shall obtain the approval of the submitted schedule, operations plan and plot plan from the City Manager or his designee, and provisions provided herein."

Section 39, USE OF COMMUNITY MEETING CENTER, shall be added to the Agreement as follows:

CITY agrees to allow FOUNDATION to make use of the Community Meeting Center, located at 11300 Stanford Avenue, on the Thursday preceding the annual Korean Festival. FOUNDATION shall comply with all requirements deemed appropriate by the CITY for use of the Community Meeting Center. Use of the Community Meeting Center will include the use of CITY personnel required to open and operate the facility for FOUNDATION use, and any equipment requested by the FOUNDATION incidental to such usage.

Except as expressly amended hereby, the Existing Contract remains in full force and effect as originally executed, including those portions of Sections 1, 2, 5 AND 39 that are not expressly amended herein.

All references in the Agreement to "Village Green" or "Village Green Park" shall be modified to read "Festival Site."

IN WITNESS WHEREOF, the parties have caused this Amendment No. 1 to the Existing Agreement to be executed by their respective officers duly authorized on the date first written above.

Date: _____

**"CITY"
CITY OF GARDEN GROVE**

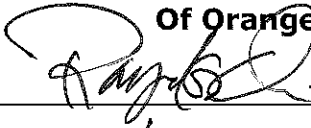
By: _____
Mayor

ATTESTED:

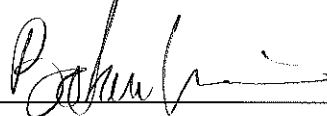
City Clerk

Date: _____

**Korean Festival Foundation
Of Orange County**

By:  _____

Title: chairman

By:  _____

Title: president

Date: Sept 5th 2012

APPROVED AS TO FORM:

Garden Grove City Attorney

Date