

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF AN ADJOURNED REGULAR MEETING

WESTMINSTER, CALIFORNIA
October 8, 2003

The City Council/Redevelopment Agency Board of the City of Westminster, California convened on October 8, 2003 at 6:00 p.m. in an Adjourned Regular Meeting in the Council Conference Room, 8200 Westminster Blvd, Westminster, California.

6:00 P.M.
CLOSED SESSION

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, PARIS, FRY, MARSH, QUACH
ABSENT: NONE

ITEM ADDED TO CLOSED SESSION:

The City Council/Redevelopment Agency Board unanimously voted to bring an item onto the agenda for Closed Session of an urgent nature, which arose subsequent to the posting of the agenda, as follows:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case); and

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 2) Pursuant to Government Code Section 54957: Public Employment: City Manager; and
- 3) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: Northwest corner of Texas and Olive Streets; City Negotiators: City Manager Don Vestal, Director of Community Development Don Anderson and Economic Development Manager Steve Soto; Negotiating Party: Gloria Reyes; Under Negotiation: Price and Terms of Payment; and
- 4) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: Northeast corner of Texas and Olive Streets; City Negotiators: City Manager Don Vestal, Director of Community Development Don Anderson and Economic Development Manager Steve Soto; Negotiating Party: Robert Corton; Under Negotiation: Price and Terms of Payment.

RECESS: At 6:55 p.m., Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting was reconvened at 7:05 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, PARIS, FRY, MARSH, QUACH
ABSENT: NONE

SALUTE TO FLAG: Council Member Quach

INVOCATION: Mayor Rice

REPORT OUT OF CLOSED SESSION:

The City Attorney stated that there was nothing to report out of the Closed Session.

SPECIAL PRESENTATIONS:

- A. Mayor Rice and the Council Members presented Certificates of Appreciation to representatives of the following volunteer groups who participated in the Flood Control Channel Cleanup on September 20, 2003:

Cindy Torgerson, Church of Jesus Christ of Latter Day Saints
Han Vu, Westminster High Key Club
Angel Calderon, Westminster Boys & Girls Club Keystone Club

Members of the La Quinta High KIWIN Jet Division were present and the Public Works Director read a statement from their group expressing their thanks for allowing them to participate. (115-00)

- B. Theresa Kasprzyk from the Westminster Chamber of Commerce reported on their upcoming events. (112-01)

1. CONSENT CALENDAR**APPROVAL OF MINUTES**

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of September 22, 2003; Minutes of the Regular Meeting of the City Council/Redevelopment Agency of September 24, 2003; and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of October 1, 2003.**

ACTION: Approved.

ROUTINE MATTERS**1.2 (City Council) Denial of Claims Against the City from:**

1. Stacey Jensen in the amount of \$6,280.66.

ACTION: The claim filed against the City was denied.

1.3 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.

ACTION: Approved.

1.4 Proclamation declaring October 20-25, 2003 as World Population Awareness Week in the City of Westminster. (115-00)

ACTION: Approved.

(REMOVED AND HEARD SEPARATELY)**1.5 Award of Contract for Street Repairs – City-wide Slurry and Cape Seals FY 2003-04 at Various Locations (502-16)**

James Reed, from the Center for Contract Compliance, lodged a protest against the low bidder, Pavement Coatings Company, because he said that the primary contractor should use at least 50% of their own forces to do the job and the contractor in second place, Manhole Adjusting Contractors, Inc., would do 75% of the work, therefore, he recommended that the City Council vote for the second low bidder. He noted that no specialty item was stated in the bid notice or the specifications.

Dave Smith, representing the employees of Manhole Adjusting Contractors, Inc., asked the Council to hire the company he works for.

Marsha Coolidge from Pavement Coatings Company, stated that last year the Council set a precedence by approving a bid and waiving the 50% rule because it was a specialty item; but it was not indicated as a specialty item.

Council Member Marsh inquired if Mr. Reed or Mr. Smith were representing the owner of the second low bid from Manhole Adjusting Contractors, Inc., to which they both replied that they were not representing the company. Council Member Marsh said that he found it odd that the owner or representative did not file a protest.

The Public Works Director stated that staff recommends that the Council vote for the low bidder, Pavement Coatings Company, not only to save money, but to get the work done before the next rainy season. Staff agrees that it is a specialty item.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve a request by the Council to allow all of the speakers to respond. The motion was carried by a 5-0 vote.

Mr. Reed stated that part of what his organization monitors are specifications, and even though it is not law, he hopes that any items like this in the future will be marked "specialty".

Mayor Pro Tem Paris stated that he favored going with the low bidder in order to save money for the City.

Council Member Marsh said he trusts the opinion of the Public Works Director that the four professional bidders would recognize that the project was a specialty item even though it wasn't stated in the specifications.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Marsh, to approve the award of contract to the low qualified bidder in the amount of \$545,544.53 to Pavement Coatings Co.; all other bids were rejected; and the City Manager was authorized to execute the contract. The motion was carried by a 5-0 vote.

1.6 Increase P.O. No. 17960 to include street improvements on Kiowa, Palomar, Alley east of Edwards, and Buckingham Parking Lot (502-01)

ACTION: The City Council approved an increase of \$228,000 to All American Asphalt's contract to perform work at the subject locations at unit bid prices.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.7 Ordinance No. 2364 - An Ordinance of the City Council of the City of Westminster amending the Westminster Municipal Code by amending Section 17.06.070 thereof to provide for change of zoning for two parcels of land located at 8051 and 8061 16th Street. Both Parcels approximately 250 feet from the intersection of Westminster Boulevard and Beach Boulevard per Sectional District Map: 12-5-11 (202-01)

ACTION: The City Council adopted Ordinance No. 2364 and waived further reading.

ADMINISTRATIVE ITEMS

1.8 Amendment to Agreement between Orange County Transportation Authority and the City of Westminster. (502-15)

ACTION: The City Council approved Amendment No. 1 to Agreement No. C-2-1037 between the Orange County Transportation Authority and the City of Westminster to extend the contract from October 31, 2003 to May 31, 2004 and authorize the City Manager to execute the agreement on behalf of the City.

(REMOVED AND HEARD SEPARATELY)**1.9 First Addendum to Agreement between the City and American Medical Response (AMR) (formerly Laidlaw Medical Transportation, Inc., dba Superior Ambulance) (502-01)**

Darrell Nolta, resident of Westminster, asked how long has a liability issue existed with AMR; and have there been any accidents or lawsuits. He also asked what happened to the notification of the discount.

Mayor Rice said that the notification was an insert in the water bill. She said she did not know how tenants in apartments received notification.

Motion was made by Council Member Fry, and seconded by Council Member Marsh, to approve the first addendum to the agreement with American Medical Response (AMR) and authorized the City Manager to execute on behalf of the City. The motion was carried by a 5-0 vote.

WARRANT REGISTER**1.10 (City Council/Redevelopment Agency) Warrant Register dated September 19 through October 2, 2003. (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS**1.11 Minutes of the Cultural Arts Commission meeting held June 5, 2003 (104-06)**

ACTION: Received and filed.

1.12 Minutes of the Special Joint Meeting of the Community Services & Recreation Commission with the Cultural Arts Commission, Commission on Aging and Youth Committee held July 9, 2003 (104-03; 104-05; 104-17)

ACTION: Received and filed.

1.13 Minutes of the Special Meeting of the Cultural Arts Commission held on August 12, 2003 (104-06)

ACTION: Received and filed.

1.14 Minutes of the Planning Commission meeting held September 10, 2003. (104-11)

ACTION: Received and filed.

1.15 Treasurer Reports – July and August, 2003 (105-08)

ACTION: Receive and file.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Fry, to approve the balance of the Consent Calendar with the exception of Item Nos. 1.5 and 1.9. The motion was carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

2.1 The actions of the Planning Commission meeting held on October 1, 2003.

The Planning Director reviewed the actions of the Planning Commission meeting of October 1, 2003:

1. 8361 Westminster Boulevard (Area Variance) for requesting a second wall sign of the east elevation of an office building.
2. 15440 Beach Boulevard (SP/DR) for remodeling the existing retail space (old K-Mart Store) in order to establish a supermarket and new shop tenants along the frontages facing Beach and McFadden.
3. 10161 Bolsa Avenue (SP/DR) for installation of a new wireless facility to the existing shopping center.

Mayor Pro Tem Paris requested that the Site Plan and Design Review for property located at 15440 Beach Boulevard, be called up for review by the Council. There were no objections. The Community Development Director stated that, due to the notification requirements, this item would be scheduled for the first regular meeting in November, 2003.

Motion was made by Council Member Quach, and seconded by Council Member Fry, to receive and file the report of the Planning Commission meeting of October 1, 2003. The motion was carried by a 5-0 vote.

3. PUBLIC HEARINGS

3.1 SALE OF AGENCY-OWNED PROPERTY LOCATED AT THE NORTHWEST CORNER OF TEXAS STREET AND OLIVE STREET (502-01)

(City Council) Time set for a public hearing to consider authorization to allow the Westminster Redevelopment Agency to grant Agency owned property at the northwest corner of Texas and Olive Streets.

(Redevelopment Agency) Time set for a public hearing to consider entering into a Disposition and Development Agreement (DDA) with Abrazar, Inc. for Agency owned property at the northwest corner of Texas and Olive Streets.

The Economic Development Manager explained that the Redevelopment Agency owns the vacant piece of property at the northwest corner of Texas and Olive Streets, and

Abrazar has expressed a desire to acquire it to develop affordable housing. A grant of property to Abrazar would help the City with attaining 20% matching funds for a partnership program.

MAYOR/CHAIR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Helen Ortega, spokesperson for Abrazar Inc., spoke in favor of the grant of property, which they plan to use for the affordable housing program.

Larry Luera, resident of Westminster, spoke in support of Abrazar's request to receive a grant of property.

Darrell Nolta, resident of Westminster, spoke in favor of the grant to Abrazar and spoke in favor of the affordable housing program.

THE MAYOR/CHAIR ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM. SEEING THAT NO ONE WISHED TO SPEAK IN OPPOSITION, THE MAYOR/CHAIR CLOSED THE PUBLIC HEARING.

Motion was made by Council/Agency Member Marsh, and seconded by Council/Agency Member Fry, that the City Council:

- 1) Authorize the Westminster Redevelopment Agency to enter into a Disposition and Development Agreement (DDA) with Abrazar, Inc. to grant them property at the northwest corner of Texas and Olive Streets in the City of Westminster for the development of residential housing.

And that the Agency Board:

- 1) Approve a Disposition and Development Agreement (DDA) with Abrazar, Inc. to grant Agency owned property at the northwest corner of Texas and Olive Streets; and authorize the Executive Director to sign the agreement on behalf of the Agency.

The motion was carried by a 5-0 vote.

4. ORAL COMMUNICATIONS

Phil Hodgetts, 16041 Burgess Circle, a member of the Energy Committee, reported on an article in Solar Today Magazine that did a study at a school that uses solar energy and skylights. The study showed that the students' grades went up. He thanked all those who attended the Energy Fair last weekend.

Bob Crossley, resident of Westminster, addressed the Council regarding the sales for each performance at the proposed Community Cultural Center.

Malcolm Willis, from Nicholson Pipes and Drums, announced their fundraising event, Casino Night on October 25th from 6-10:30 p.m. at the Community Center East/West Room. He also announced the group's next performance on November 22nd at the Ebell Theater in Santa Ana.

Darrell Nolta, resident of Westminster, displayed two newspaper articles; one was regarding the burial of a Vietnam veteran whose remains were found in Laos with the cooperation of Vietnam; the other article was about a soldier who fought in Iraq and lost a hand saving another soldier.

RECESS AND RECONVENE:

At 8:14 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 8:30 p.m.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Mayor Pro Tem Paris reported on the Energy Fair held at Wal-mart last Saturday and thanked all those organizations and staff members who helped to make it a success. He welcomed the new Code Enforcement Officer to the City, Karen Nguyen.

Council Member Fry thanked the Energy Committee for hosting the Energy Fair. He also spoke about his trip to China.

Council Member Marsh said he enjoyed the Energy Fair, especially the location by the front door; he passed along a request he received from a vendor who sells wind turbines for residential use, to give a presentation at a future Council meeting. Mayor Rice agreed to hear his presentation if the next agenda permits. Council Member Marsh thanked all those who voted yesterday and advised those who had difficulty finding their polling places to bring it to the attention of the Registrar of Voters.

Council Member Quach commented about the article regarding the Vietnam veteran; stating that he would not be fooled that the communist nation of Vietnam wants to be a friend to America, but he was happy that the veteran got a proper burial. Mayor Pro Tem Paris agreed and further stated that the Council passed a resolution condemning the communist regime in Vietnam and it has not changed.

Mayor Rice announced that the Westminster Police Department's SHIELD Program was honored by the Orange County Human Relations Commission as an outstanding model of community policing. She commended the Code Enforcement staff.

5.2 Review of Proposed Information Kiosk at Freedom Park (Council Member Fry) (703-08)

Council Member Fry described the roll-up doors for the kiosk, which will be like a security gate at the mall.

Mayor Rice was concerned about the size of the kiosk. Council Member Fry said this was to allow room for people to move behind whoever is looking at the computer.

Lam Nguyen, the architect for the project, stated that he wanted enough room for people in wheelchairs, and said there will be artwork on the interior walls. He said that the most that could be reduced would be 2 feet all around.

Council Member Marsh suggested that a mild barrier be placed to create individual space for each of the three computers, which may allow the kiosk to be smaller.

Council Member Quach asked Mr. Nguyen if the Committee would be paying the entire cost, to which he responded that the City will not pay for any of it.

Council Member Marsh and Mayor Rice stated that they attended a meeting with representatives of the Vietnam Memorial Committee and received assurances that the computers would be placed in the public library and the kiosk would be a small gazebo. Council Member Marsh is concerned about the security of the computers.

Council Member Quach noted that two security cameras will be pointed toward the kiosk. Discussion ensued regarding the design of the kiosk, especially the placement of the kiosk with three closed sides and three sides with the roll-up doors.

Mr. Nguyen noted that when people go to the park they do not go alone, but in groups and this would be the reason for a larger space in the kiosk.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to accept the proposed plan for the addition of an information kiosk at Freedom Park as submitted by the Vietnam War Memorial Committee.

Darrell Nolta, resident of Westminster, commended the Mayor for stating that the park is for other purposes too, not just the memorial. He did not agree with the surveillance cameras, and the the fact that they were placed without a warning sign to the public to make them aware of the cameras.

Dale Washington said he is proud of the park, he is in favor of the kiosk and is glad there is surveillance in the park.

Mayor Rice stated that she objects to the size of the kiosk and not the kiosk itself.

The motion was carried by a 4-1 vote, with Mayor Rice voting no.

5.3 Policy Guidelines for Recognition Requests (Mayor Rice) (103-02)

Mayor Rice said that the City Clerk worked diligently to come up with a policy for guidelines for recognition requests. Council Member Marsh commended the City Clerk for her draft guidelines.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Marsh, to approve the Policy Guidelines for Recognition Requests. The motion was carried by a 5-0 vote.

5.4 Resolution No. 3809 – SB 60 - California Illegal Alien Drivers License
(Council Member Marsh) (103-12)

Council Member Marsh read the proposed resolution then noted that although SB 60 is named the Immigrant Drivers License Law, he said it is more accurately described as the drivers licenses for illegal aliens law. It sends a message that some people work hard to become a legal resident, then citizen, and that those who disregard those laws and come here illegally can get the same benefits as a legal citizen. The proposed resolution opposes SB 60 and requests that it be overturned or repealed through the appropriate lawful method. He requested that copies of this resolution be distributed to the Governor, the Speaker of the California Assembly, the President pro-tem of the California Senate, all members of the Assembly and Senate representing Orange County cities and to each city in Orange County.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris, to adopt Resolution No. 3809 entitled, “A Resolution of the City Council of the City of Westminster opposing recent legislation to provide drivers licenses to illegal aliens and supporting the repeal of same”, and waive further reading. The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH

NOES: NONE

ABSENT: NONE

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Modification to Mitigation Measure of the Mitigated Negative Declaration (MND 03-08) pertaining to a development proposal for construction of a commercial complex at 14002 Beach Boulevard (Southeast corner of Beach Boulevard and Westminster Boulevard), Case No. 2003-44 (202-03)

Council Member Marsh said he did not want language in the environmental document which bars the City from exercising its rights. He suggested the following revision to the first sentence on Page 4-6 of the MND 03-08 document: “Left turns shall be permitted except between the PM peak hours (4-6 PM) until such time the City determines a risk to public safety or a risk of traffic congestion exists.”

The representative from Village Properties, John Glikbarg, stated he was in agreement with the language proposed by Council Member Marsh.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to approve the revised Mitigation Measure No. MMXV-2, as amended by Council Member Marsh on Page 4-6 of the MND 03-08 document. The motion was carried by a 5-0 vote.

6.2 Proposed Traffic Signal at Westminster and Deodora/Swan and Traffic Concerns at Somerset Park Entrance – T.C. 77-119 (606-01)

The City Manager requested that this item be continued to the next meeting of October 22, 2003, due to the fact that the necessary traffic counts have not been completed.

Council Member Quach stated he would abstain from the motion due to a potential conflict as he stated at the September 24th Council meeting.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, to continue this item to the October 22, 2003 Council meeting. The motion was carried by a 4-0-1 vote, with Council Member Quach abstaining.

6.3 Donation from Wal-Mart for Police Department Technology (103-11)

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Marsh, to:

- 1) Accept the donation from Wal-Mart in the amount of \$25,000; and
- 2) Allocate to Capital Project No. 31002-042800

The motion was carried by a 5-0 vote.

6.4 Donation from Wal-Mart for the DARE Program, Police Explorer Post, Project SHUE (103-11)

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Fry, to:

- 1) Accept the donation from Wal-Mart in the amount of \$2,000; and
- 2) Approve the appropriation of \$1,000.00 to Account No. 39600-44000 (DARE supplies); \$500.00 to Account No. 31000-44000 (Explorer supplies); and \$500.00 to Account No. 76000-44000 (SHUE supplies)

The motion was carried by a 5-0 vote.

6.5 AB 1160 (Steinberg) – Local Ordinances Regarding Second Unit Developments (301-01)

The City Manager informed the Council that there will be a hearing that will take away local elected officials' rights to have input on second units.

Motion was made by Council Member Fry, and seconded by Council Member Quach, that the City Council oppose AB 1160 and authorized the Mayor to send letters of opposition on behalf of the City Council to the State Legislators. The motion was carried by a 5-0 vote.

6.6 Consideration of alternative October Study Session Meeting Date (103-08)

Motion was made by Council Member Quach, and seconded by Mayor Rice, to change the October Study Session Meeting date from Monday, October 13th to Tuesday, October 21st at 6:00 p.m. The motion was carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public)**7.1 Waiver of Rental Fees/Community Services Building (702-06)**

Motion was made by Council Member Marsh, and seconded by Council Member Fry, to approve a request from The Nicholson Pipes and Drums for waiver of fees for the use of the Community Services Building (East/West Room) on Saturday, October 25, 2003 between the hours of 6:00 p.m. to 10:30 p.m. for their Casino Night fundraiser. The motion was carried by a 5-0 vote.

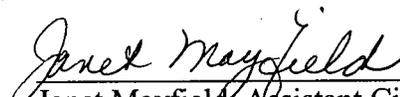
8. LEGISLATIVE ITEMS – None**9. COMMISSION AND COMMITTEE ITEMS****9.1 Resignation of Bart Kasperowicz the Cultural Arts Commission (Council Member Quach Appointee) (104-06)**

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to accept with regrets, the resignation of Bart Kasperowicz from the Cultural Arts Commission. The motion was carried by a 5-0 vote.

Council Member Quach requested that the vacancy be posted in order to place it on the next agenda, if possible. Mayor Rice requested that a letter of thanks be sent to Mr. Kasperowicz for his service.

Mayor Rice said she received a call from a resident who tried to get into the low-income housing on Hoover and she was told that she did not have enough income to qualify. The Mayor said she called the gentleman in charge and he will investigate and get back to her with information. The Mayor also advised the Council to be mindful of income qualifications when these types of developments come before them for decisions.

10. COUNCIL/AGENCY ADJOURNMENT: At 9:50 p.m., Mayor/Chair Rice adjourned the meeting.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary