

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
December 15, 2004

The City Council/Redevelopment Agency of the City of Westminster, California convened on December 15, 2004 at 6:00 p.m. in a 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, QUACH, FRY, MARSH, PARIS
ABSENT: NONE

URGENT ITEM ADDED TO CLOSED SESSION:

Motion was made by Mayor Pro Tem/Agency Vice Chair Quach, and seconded by Council/Agency Member Paris, to bring the following item onto the agenda for Closed Session of an urgent nature, which arose subsequent to the posting of the agenda, as follows:

- 1) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Manager.

CLOSED SESSION:

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

- 2) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: Acting City Manager Penny Loomer, Director of Personnel/Risk Management Pat Corcoran, and Labor Negotiator Dave Larsen; Employee Organizations: Westminster Police Officers' Association (WPOA); and
- 3) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case).

RECESS: At 6:50 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, QUACH, FRY, MARSH, PARIS
ABSENT: NONE

SALUTE TO FLAG: Mayor Pro Tem Quach

INVOCATION: Mayor Rice

REPORT OUT OF CLOSED SESSION:

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

SELECTION OF MAYOR PRO TEM

Motion was made by Council Member Marsh, and seconded by Council Member Fry, to nominate Russell C. Paris for Mayor Pro Tem. There were no other nominations. The motion was carried by a 5-0 vote.

Mayor Pro Tem Paris thanked the Council for their vote.

SPECIAL PRESENTATIONS:

- A. The Mayor and Council Members thanked all the participants who decorated their homes for the 2004 14th Annual Holiday Home Decorating Contest. Certificates of Congratulations were presented to the following residents for their participation:

Area 1:

Best Use of Lights

- First Place – The Letourneau Family
- Second Place – Mel & Julene Morrison

Mobile Home – Total Display

- First Place – Joanne & Shawn Scharein

Total Display

- First Place – Kyle Weinstock
- Second Place - Bich Nguyen

Neighborhood Theme

First Place – Don Brady

Area 2:

Total Display

First Place – Natalie & Tony Burciago

Neighborhood Theme

First Place - Marilyn Circle Neighborhood:

Estuiko Hamamoto
Chris Bianchi & Eddi Malone
Robert & Joan McGregor
Debbie Savage
Gina & Richard Savage
Natalie & Tony Burciago

Area 3:

Best Use of Lights

First Place - Chris Morrow
Second Place – Tom & Jennifer Goode
Third Place – Robin Sandoval

Total Display

First Place (TIE)
Ace Kale
Greg & Jeri Kriha

Neighborhood Theme

First Place
Northwestern Neighborhood
Greg & Jeri Kriha

Area 4:

Best Use of Lights

First Place – Mary Ahearn
Second Place – Steve & Cathy Houston

Total Display

First Place – Michelle Laux
Second Place – Bob & Jan Johnson
Third Place – Robert & Carol Thomas

Neighborhood Theme

First Place

Centerstone Neighborhood:

Mary Ahearn
Steve & Cathy Houston
Joann Winderman
Laurie & Karen Edwards
Don Nokes
Bob & Jan Johnson
Robert & Carolyn Thomas
Michelle Laux

Area 5:

Total Display

First Place – Thanh Tran
Second Place – Dimitri & Gloria Conostas

Neighborhood Display

First Place

Sunset Circle/French Court Neighborhood:

Michael Bin
The Cobo Family
Dimitri & Gloria Conostas
Thanh Tran

Area 6:

Best Use of Lights

First Place – Ricardo Galindo
Second Place – Ralph Villareal

Total Display

First Place (TIE)

Mike Kuhlman
Bill Ham

Second Place – Keith, Leah, Orlando, Michael & Neil
Third Place – The Lee Family
Fourth Place – Al & Ludi Serna

1. CONSENT CALENDAR**APPROVAL OF MINUTES****(ITEM REMOVED AND HEARD SEPARATELY)****1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of November 17, 2004**

Darrell Nolta, resident of Westminster, requested that the November 17, 2004 minutes be amended on page 7 under Oral Communications. He would like the last sentence of his statement to read: "This letter is used to accuse, now Supervisor Chuck Smith of being a communist sympathizer."

Motion was made by Council/Agency Member Marsh, and seconded by Mayor Pro Tem/Vice Chair Paris, to approve the minutes of the November 17, 2004 meeting, as amended. The motion was carried by a 5-0 vote.

ROUTINE MATTERS**1.2 (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.

1.3 Increase purchase order for tree maintenance services with West Coast Arborists, Inc. for Fiscal Year 2004-05 (502-23)

ACTION: The City Council:

- 1) Approved a budget adjustment of \$52,300.00 from Account No. 53500-40000 to Account No. 53500-43090 (Contractual); and
- 2) Approved an increase of \$52,300.00 to Purchase Order No. 1045 issued to West Coast Arborists for a new total of \$150,000 for tree maintenance activities City-wide.

(ITEM REMOVED AND HEARD SEPARATELY)**1.4 Rejection of Bids for Westminster Rose Cultural Center Bid Package No. 3- Landscaping (unsuccessful bid)**

Council Member Marsh commended C.W. Driver for rejecting high bids.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, to reject the bids received for Bid Package No. 3 – Landscaping, and authorize the City Clerk to rebid the subject project. The motion was carried by a 5-0 vote.

1.5 Accepted a utility easement over private property located at 7632 21st Street for a City waterline (401-20)

ACTION: The City Council accepted the subject easement and authorized the City Clerk to record the Easement Deed with the County of Orange Recorder's Office.

1.6 Award of Contract for Westminster Rose Cultural Center Bid Package No. 21 – Fire Protection (502-01)

ACTION: The City Council approved the award of contract to the low qualified bidder, Ability Fire Equipment in the amount of \$68,593.00; rejected all other bids; and authorized the City Manager to execute the contract on behalf of the City.

1.7 Award of Contract for Westminster Rose Cultural Center Bid Package No. 13 - Stone & Ceramic Flooring (502-11)

ACTION: The City Council approved the award of contract to the low qualified bidder, K.J. Carpet Wholesale in the amount of \$92,801.00; rejected all other bids; and authorized the City Manager to execute the contract on behalf of the City.

1.8 Award of Contract for Westminster Rose Cultural Center Bid Package No. 15 - Resilient Flooring (502-19)

ACTION: The City Council approved the award of contract to the low qualified bidder, Spectra Contract Flooring in the amount of \$125,888.00; rejected all other bids; and authorized the City Manager to execute the contract on behalf of the City.

1.9 Award of Contract for Westminster Rose Cultural Center Bid Package No. 17a - Operable Partitions (502-16)

ACTION: The City Council approved the award of contract to the low qualified bidder, Partition Specialties, Inc., in the amount of \$54,600.00; rejected all other bids; and authorized the City Manager to execute the contract on behalf of the City.

(ITEM REMOVED AND HEARD SEPARATELY)
1.10 Consulting Services Agreement for preparation of the City's Comprehensive Zoning Code Update

Council Member Marsh asked staff why they recommended the company which was not the low bidder. Also, he stated that he spoke with Laura Stetson, from

Cotton/Bridges/Associates, and David Crabtree, City Planner of the City of Brea, who spoke favorably about Cotton/Bridges/Associates.

The Community Development Director said that it was the review committee who recommended Cotton/Bridges/Associates; also, Cotton/Bridges/Associates offers to hold more meetings without added cost. The firm is well versed in the technical aspects of land use and in soliciting community input, including elected and appointed officials.

Council Member Marsh responded that it may be advisable to make the committee more formal – recognized by the City Council. He liked the fact that the City of Brea recommended the firm of Cotton/Bridges/Associates, and he believes it would be cost effective to free up the Planning staff for other projects.

Mayor Pro Tem Paris did not see the need for a consulting firm to do the work of preparing a zoning code update.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to approve a Consulting Services Agreement with Cotton/Bridges/Associates to prepare the City's Comprehensive Zoning Code Update, and authorize the City Manager to execute the agreement on behalf of the City. The motion failed by a 2-3 vote with Mayor Rice, Mayor Pro Tem Paris and Council Member Fry voting no.

1.11 Award of Contract for public restrooms upgrade at Senior Center Building (502-01)

ACTION: The City Council approved a contract with Art Gaitreau, Inc. (AGI) in the amount of \$69,900.00 to upgrade the public restrooms at the Senior Center Building, and authorized the City Manager to execute the contract on behalf of the City.

ADMINISTRATIVE ITEMS

1.12 Special Event Permit application from Asian Gardens, LTD to hold their annual New Year Festival from Friday, January 21, 2005 through Monday, February 7, 2005 between the hours of 10:00 a.m. and 9:00 p.m. daily, for 1,000 attendees in the front parking lot of the shopping center located at 9200 Bolsa Avenue, Westminster. (213-02)

ACTION: The City Council approved the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER**1.13 (City Council/Redevelopment Agency) Warrant Register dated November 24 through December 7, 2004 (105-09)**

ACTION: Approved.

Motion was made by Mayor Pro Tem/Vice Chair Paris, and seconded by Council/Agency Member Fry, to approve the Consent Calendar, with the exception of Item Nos. 1.1, 1.4 and 1.10, which were removed for separate consideration. 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 December 8, 2004**

The Community Development Director reviewed the actions of the Planning Commission meeting of December 8, 2004:

- 1) 14902 Moran Street (Case 2004-55, Site Plan Review and Design Review) for expanding the office area of the existing industrial warehouse by 144 sq. ft.
- 2) 15640 Brookhurst Street (Case 2004-63, Site Plan Review/Design Review and Revocation of CUP 879) for expanding the existing restaurant by adding a 487 sq ft addition to the dining area and adding a 148 sq ft patio area for out-door dining.

The City Attorney announced that Mayor Rice requested that the Council review an item from the Planning Commission meeting which was not a public hearing – Case No. 2004-68, modification of Design Review. The property is located at 7382-92 Westminster Boulevard. The applicant wishes to add a wrought iron fence and rolling gates. Hearing no objection, the item will be placed on the January 10, 2005 agenda. There were no objections.

Council Member Quach stated he wished to recuse himself from discussion of Item No. 2, Case No. 2004-63 due to the proximity of the project to his residence.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Marsh, to receive and file Item No. 2 of the report of the December 8, 2004 Planning Commission meeting. The motion was carried by a 4-0-1 vote, with Council Member Quach abstaining.

3. PUBLIC HEARINGS**3.1 REVIEW OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2004-59 (CONDITIONAL USE PERMIT); LOCATION: 15440 BEACH BOULEVARD; APPLICANT: JEFF COFFMAN (201-00)**

Time set for a public hearing to review the Planning Commission's decision to approve a conditional use permit allowing the sale of beer, wine, and distilled spirits for off-site consumption incidental to the operation of "Westminster Superstore," a new supermarket.

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

Jeff Coffman, architect/applicant for the Westminster Superstore project, spoke in support of granting the conditional use permit.

Peter Langsfeld, attorney for the owner, stated that the owner has never had any alcohol violations at this or any other location.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, resident of Westminster, stated his opposition to the sale of alcohol for off-site consumption, which is based on principle. He was also concerned about the proximity of the store to a park and control of a kiosk where alcohol would be displayed.

Council Member Marsh asked Mr. Nolta several questions regarding his concerns about granting the conditional use permit. Mr. Nolta stated there was nothing he objected to about this particular applicant and his request; that the police department hopes that the excessive calls in the area will decrease once a business is in place; that he did not know if the old K-Mart sold alcohol; that he was not aware of any particular problem at Park West Park; and he was concerned about the location of the alcohol inside the store, proposed for a kiosk.

The Community Development Director noted there will be a cooler for beer and wine and distilled spirits will be behind a supervised kiosk.

SEEING THERE WERE NO PERSONS WISHING TO SPEAK IN REBUTTAL, MAYOR RICE CLOSED THE PUBLIC HEARING.

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

- 1.) Uphold the Planning Commission's decision to approve Case No. 2004-59; and

- 2.) Adopt Resolution No. 3887 entitled "A Resolution of the City Council of the City of Westminster approving Case No. 2004-59 (Conditional Use Permit) pertaining to the sale of beer, wine, and distilled spirits for off-site consumption as an incidental use at a new supermarket located at 15440 Beach Boulevard," and waive further reading.

The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

4. ORAL COMMUNICATIONS

Ken Piety, resident of Westminster, said his house is in the racquetball club's parking lot and they want him to move. He presented pictures of the racquetball club's building where a spike-like object has been positioned near a ladder affixed to the wall, which could be dangerous to children. Mayor Rice asked staff to refer this to code enforcement.

Vikki Piety, resident of Westminster, said that the City allowed a business to be built and rezoned their property on Sowell to be an island. She stated that they do not want to sell their property to the racquetball club.

Bob Crossley, resident of Westminster, commented on consultants and asked, what questions can a consultant answer that staff cannot answer. He also asked for an answer to his inquiry regarding Bank of America charging a fee to cash a City check. The Interim Finance Director was told that the City has an exemption and no one should have been charged a fee to cash a City check, however, the teller must be aware of that policy in order to waive the fee. Mr. Crossley responded that the teller went to his supervisor and the supervisor said he would have to pay the fee and it took three times before the fee was waived, so the teller was not at fault.

Council Member Marsh stated that he thinks there are other banks which would like to have the City's account, who would not charge a fee to cash a check. He would like to hear from anyone who is experiencing the same problem with Bank of America.

Council Member Quach suggested that the Interim Finance Director contact Bank of America and put in writing the conversation he had with them and issue a copy of that letter to all the Commissioners, employees and anyone who would receive City checks, informing them they are not to be charged a fee when they cash a check without having an account there. Council Member Marsh agreed.

Darrell Nolta, resident of Westminster, addressed the Council regarding CalTrans' internet survey, an announcement of a water rate increase from the

Orange County Water District. He requested that the Council again review the City's water rate structure.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Fry explained that residents pay for the water infrastructure before they pay for any actual water.

Mayor Pro Tem Paris thanked his colleagues for voting for him to be the Mayor Pro Tem. He wished everyone a Merry Christmas and a Happy New Year. He said that reviewing the water rate structure may occur in the future.

Council Member Marsh agreed that the Council should review the water rate structure. He said no one brought to his attention that the City was seeking to acquire Mr. Piety's property, so he requested more information regarding Mr. Piety's situation. He wished everyone a Merry Christmas and a Happy New Year.

Council Member Quach said it was his understanding that eminent domain was outlawed for the next 35 years under the provisions of the Infrastructure Revitalization Plan. He wished everyone Happy Holidays and encouraged all residents to shop in Westminster.

Mayor Rice said that the City Manager is recuperating and hoping to be returning the first of the year. She wished everyone a Merry Christmas and thanked people for the gifts she is receiving.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Consideration of amended site plan/design review for an eighty (80) unit senior condominium project with one level of commercial parking at 15152-15232 Moran Street, redesigned pursuant to the City Council action of October 19, 2004. (201-00)

The City Attorney stated that there should be a correction to page 3, paragraph 6, of the resolution and should read, "Applicant shall record a deed restriction by a separate instrument to insure the occupancy of the condominium units", removing the words "ownership and". Also, he said staff has reviewed the resolution with the applicant and they are in agreement with it as submitted.

The Community Development Director stated that 80 was the maximum number of parking spaces that could be added without exceeding the footprint or height of the building. He said that staff and the environmental consultant reviewed the new plan.

Darrell Nolta, resident of Westminster, objected to the procedure of how the project was approved without a public hearing on the new site plan. He was also concerned about a proposed ramp in the complex.

The City Attorney stated that this procedure would not set an illegal precedence.

Council Member Quach clarified that the project will have 80 parking spaces over and above the required parking spaces.

Council Member Marsh agreed that it was an improvement. He recommended that the following amendments be made to Resolution No. 3888:

1. Page 1, last paragraph, replace "is allowed to" with "will", so that it reads, "The applicant will provide additional parking . . ."
2. Page 2, Section 1, strike the word "has", so it reads, ". . . the adopted Mitigated Negative Declaration MND 04-01 adequately addresses the modifications . . ."
3. Page 2, Section 3, Subsection 3, replace "duration" with "age occupancy", so it reads, ". . . ensuring 55 year age occupancy covenants for all units."
4. Page 3, Section 3, Subsection 7, insert "be" and change the word "approved" with "approval", so it reads, "Such covenants shall be submitted for approval by the Planning Director . . ."
5. Page 3, Section 3, Subsection 7a, remove "owned and", so it reads, "These units shall be occupied by seniors who are fifty-five years or older."
6. Page 3, Section 3, Subsection 7b, insert a comma after "Owners Association".
7. Page 3, Section 3, Subsection 7c, insert "the" after the word "within" and insert "that" after the word "spaces".
8. Page 3, Section 3, Subsection 7e, delete the last sentence.
9. Page 3, Section 3, Subsection 7f, the last sentence reads, "No residential parking spaces shall be sold or given for use to any individual who is not an occupant of a condominium unit within the development."

Council Member Marsh also recommended that the document be grammatically amended.

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

- 1) Receive and file staff's findings and environmental assessment pertaining to the revised plan; and
- 2) Adopt Resolution No. 3888 as amended, entitled "A Resolution of the City Council of the City of Westminster finding the revised plan for construction of an eighty (80) unit senior condominium project with an increase of additional 80 parking spaces and relocation of sixteen residential units from Level 1 to Level 4 at 15152 – 15232 Moran Street is substantially in compliance with the original approval and consistent with the findings incorporated in Resolution No. 3875," and waive further reading.

AYES: RICE, PARIS, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

6.2 Annual Financial Reports (105-06)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to accept the financial reports for the fiscal year ending June 30, 2004. 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 Quach, and seconded by Mayor Pro Tem Paris, to approve a request from Congressman Dana Rohrabacher, for waiver of fees for the use of the Community Services Building (East/West Room) on Tuesday, January 11, 2005 between the hours of 6:30 p.m. and 9:00 p.m. for a Town Hall meeting for constituents. The motion was carried by a 5-0 vote.

8. LEGISLATIVE ITEMS – None

9. COMMISSION AND COMMITTEE ITEMS

9.1 Appointment of Members of the City Council as representatives to outside agencies (103-03)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to reappoint the same representatives to outside agencies as were previously appointed, with the exception of the OCTA City Liaison Committee for the 22 Freeway Improvements, where Council Member Marsh will take the place of Mayor Rice. The motion carried by a 5-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:51 p.m. Mayor/Agency Chair Rice adjourned the meeting to Monday, January 10, 2005 at 5:30 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, for the purpose of holding an Adjourned Regular City/Agency meeting.


Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary