

"Approved by the City Council/Redevelopment Agency Board on May 19, 2004."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
April 21, 2004

The City Council of the City of Westminster, California convened on April 21, 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

ITEM ADDED TO CLOSED SESSION:

The City Council/Redevelopment Agency Board unanimously voted 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) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case).

CLOSED SESSION:

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

- 2) Pursuant to Government Code Section 54957: Public Employee Appointment: City Manager;
- 3) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: Interim City Manager, Penny Loomer and Public Works Director, Brad Fowler; Employee Organization: Westminster Municipal Employees' Association (WMEA); and
- 4) 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 7:06 p.m. in the Council Chambers.

ROLL CALL:

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

SALUTE TO FLAG: Council Member Marsh

INVOCATION: Council Member Marsh

REPORT OUT OF CLOSED SESSION:

The City Attorney stated that one item, Public Employee Appointment: City Manager, will be brought forward by the Mayor for discussion in open session.

Mayor Rice requested that Item No. 6.3, Appointment of City Manager, be moved forward on the agenda.

Motion was made by Council Member Paris, and seconded by Mayor Pro Tem Quach, to approve a request by the Mayor to move Item No. 6.3 forward on the agenda. The motion was carried by a 5-0 vote.

6.3 Appointment of City Manager and approval of contract (502-19)

Mayor Rice introduced the new City Manager, Vangie Schock, and read a brief biography of her career. Vangie Schock stated she was very privileged to be appointed as City Manager and she was anxious to begin work on June 14th.

Motion was made by Council Member Paris, and seconded by Council Member Marsh, to approve the contract with Vangie Schock; and authorize the Mayor to execute the contract on behalf of the City. The motion was carried by a 5-0 vote.

SPECIAL PRESENTATIONS:

- A. Checks were presented by the Mayor and Council Members to representatives from Westminster High School, Ocean View High School and La Quinta High School for Grad Night events.
- B. Brad Fowler, Public Works Director and Barbara Eames, Chair of the Tree Education Committee, presented the "Tree City USA" plaque to the City by the California Department of Forestry.

ITEM ADDED TO PRESENTATIONS:

- C. Clyde Weinman, Community Outreach, Volunteer Exchange, gave a presentation regarding their program: "Project Impact – Providing Alternatives to Youthful Challenges".

Mayor Rice announced that she will be adjourning tonight's meeting in memory of Westminster resident, Staff Sgt. Victor A. Rosales, who died in Iraq. She read a short biography about his life.

1. CONSENT CALENDAR**APPROVAL OF MINUTES**

(REMOVED AND HEARD SEPARATELY)

- 1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of April 7, 2004 and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of April 12, 2004**

Darrell Nolta, resident of Westminster, requested that page 4 of the minutes of April 7th meeting state that "the City is serious in collecting the money for the ambulance service".

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Marsh, to approve Item No. 1.1, minutes for the April 7th meeting on the Consent Calendar, 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 Proclamation declaring May 1, 2004 as "National Arbor Day" in the City of Westminster. (115-00)**

ACTION: Approved.

(REMOVED AND HEARD SEPARATELY)

- 1.4 Proclamation declaring May, 2004 as "Veteran Appreciation Month" in the City of Westminster. (115-00)**

Council Member Fry requested that the proclamation declaring May, 2004 as Veteran Appreciation Month, be read. The Assistant City Clerk read the proclamation in its entirety.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Paris, to approve Item No. 1.4, a proclamation declaring May, 2004 as Veteran Appreciation Month in the City of Westminster. The motion was carried by a 5-0 vote.

1.5 Acceptance of Emergency Response Equipment (502-15)

ACTION: The City Council accepted the emergency response equipment from the County of Orange and authorized the Chief of Police to enter into an agreement with the County for transfer of this equipment.

1.6 Extension of Tree Maintenance Contract (502-23)

ACTION: The City Council authorized an extension of the current contract with West Coast Arborists for tree maintenance for an additional five option years.

1.7 Selection of Consultant for Remediation Work for Westminster Corporate Yard Tank Site and Advance of Funds (502-20)

ACTION: The City Council:

- 1) Approved the selection of Telluris, Inc. to perform the remediation services for the subject project;
- 2) Authorized a transfer of \$253,813.00 to Account No. 58002-934401 from Equipment Replacement Fund 700 to cover the overall budget request of \$375,932.00, and
- 3) Authorized the Interim City Manager to execute the agreement on behalf of the City.

1.8 Notice of Completion for Work Performed by JFL Electric, Inc. for Lighting System Improvements for the Civic Center Plaza and Westminster Park Basketball Court (502-10)

ACTION: The City Council accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.9 Approval of Amendment No. 6 to Cooperative Agreement No. C-95-995 with the Orange County Transportation Authority for Measure "M" Funded Work (502-15)

ACTION: The City Council approved the subject amendment and authorized its execution by the Interim City Manager and Public Works Director.

1.10 Increase purchase order with KLF Consulting for personnel consulting services (502-11)

ACTION: The City Council increased Purchase Order No. P17709 by \$1,500.00.

1.11 Increase purchase order with Greg Ferrell for Computer Systems Replacement Project (502-06)

ACTION: The City Council increased Purchase Order No. P17925 by \$48,000.

ADMINISTRATIVE ITEMS

1.12 Special Event Permit Application from Blessed Sacrament Church to hold the 57th Annual Festival on May 14, 15, and 16, 2004 at 14072 Olive Street for 100,000 participants, between the hours of 12:00 noon and 9:00 pm. (213-02)

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

1.13 Special Event Permit Application from Blessed Sacrament Church to hold their annual procession honoring the Blessed Mother on Sunday, May 2, 2004 between the hours of 1:30 p.m. and 3:30 p.m. along Olive Street from Hazard Avenue to Westminster Boulevard. Anticipated attendance is 1,000 people. (213-02)

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

WARRANT REGISTER

1.14 (City Council/Redevelopment Agency) Warrant Register dated March 26 through April 15, 2004 (105-09)

ACTION: Approved.

INFORMATION AND REPORTS

1.15 Minutes of the Planning Commission meeting held March 24, 2004 (104-11)

ACTION: Received and filed.

1.16 Community Development Monthly Activity Report – March, 2004 (216-01)

ACTION: Received and filed.

Motion was made by Council Member Paris, and seconded by Council Member Fry, to approve the Consent Calendar with the exception of Item Nos. 1.1 and 1.4. 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 April 14, 2004**

The Community Development Director reviewed the actions of the Planning Commission meeting of April 14, 2004:

- 1) 549 Westminster Mall (Modification to Case No. 2003-79) for providing alternative solution related to pedestrian walkway
- 2) 14571 Brookhurst Street (Case No. 2004-02, Site Plan/Design Review) the renovation of an existing car wash facility
- 3) 15081 Beach Boulevard (Case No. 2004-13 Modification of Conditional Use Permit C-1000) for changing the existing restaurant to a banquet facility, changing the ABC license from 47 to 48, allowing dance and live entertainment in each of the two banquet rooms, and extending hours of operation to midnight Sunday through Wednesday and to 2:00 a.m. Thursday through Saturday.

Motion was made by Council Member Paris, and seconded by Council Member Fry, to receive and file the report of actions of the April 14, 2004 Planning Commission meeting. The motion was carried by a 4-0-1 vote, with Mayor Pro Tem Quach abstaining.

3. PUBLIC HEARINGS**3.1 REMOVAL OF WEEDS AND DEBRIS – SPRING, 2004 (618-01)**

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

Darrell Nolta, resident of Westminster, stated that he believes that certain City-owned property should also be on the list for removal of weeds and debris. He said he was pleased to see the addresses on the list that were cleaned up.

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

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

- 1) Overrule any objections received for the abatement of the weeds; and
- 2) Adopt Resolution No. 3831 entitled, "A Resolution of the City Council of the City of Westminster determining and declaring that certain weeds are growing upon certain streets, sidewalks, parkways, and private property in the City of Westminster, and rubbish and refuse have been deposited upon sidewalks, parkways and private property in the City, and that the same are a public nuisance; ordering and directing the Interim City Manager to have said weeds

destroyed and to have rubbish and refuse removed as required by law”, and waive further reading.

The motion was carried by the following vote:

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

4. ORAL COMMUNICATIONS

Vivian Kirkpatrick-Pilger, resident of Westminster, inquired about the condition of her street, Tillamook and the water pump station on Goldenwest Street, asking if the money for those projects will come from the IRP. Mayor Rice asked the Public Works Director to meet with her and give her that information.

Darrell Nolta, resident of Westminster, spoke regarding an article in the newspaper about protestors in Vietnam who were suppressed by the government. He displayed a cartoon depicting redevelopment from Orange County Supervisor Chris Norby's book; direction was passed by the Board of Supervisors for a standard redevelopment procedure.

Bob Crossley, resident of Westminster, congratulated the Westminster School District Board for getting the state to accept their common sense definition of "gender".

Barbara Eames, resident of Westminster, said she would like to hear the Council Members say "redevelopment funds are not being taken away from police and public safety and that redevelopment funds are only for infrastructure". She also invited everyone to attend the Mayor's Prayer Breakfast to be held at 7:00 a.m. on May 6, 2004 at the Westminster Boys and Girls Club.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Paris announced that there will be a tree planting ceremony at 10:00 a.m. on April 24, at Midway City Sanitary District, in honor of James Evans.

Council Member Fry announced that there will be a ceremony at Freedom Park at 11:30 a.m. on April 25 to celebrate the anniversary of the fall of Saigon.

Council Member Marsh expressed his apology that he would be unable to attend the tree planting ceremony for James Evans, as he has a previous commitment. He said that he and Mayor Pro Tem Quach attended the Korean Festival in Garden Grove last week.

Mayor Pro Tem Quach said he received an anonymous letter regarding an appearance he made on a program broadcast on the Vietnamese station. He said he thinks that whoever wrote the letter misunderstood that he was advocating that nightclubs be built in the City

of Westminster. He stated he does not advise people to do this, in fact, he recommends other land uses, but not nightclubs.

Mayor Rice said she was misquoted in the Register regarding a statement she made about the issue which the Westminster School District Board of Trustees was dealing with. She said she would be out of town until May 1st, and Mayor Pro Tem Quach would be acting Mayor next week. She stated that he attended a service for Staff Sgt. Victor A. Rosales and she would like staff to think about how his name can be incorporated into Freedom Park. She welcomed the new City Manager, Vangie Schock.

Council Member Marsh stated that he and Mayor Rice spoke at the meeting of Westminster School District Board of Trustees. He suggested a proposal for the school board; Mayor Rice agreed; then the paper said that he took one side and the Mayor took the other side, which was not the case.

5.2 Consideration of recognition of U. S. Marine Corps Medal of Honor recipient, Lance Corporal Kenneth Lee Worley, USMC, who died in the Vietnam War. (Mayor Rice) (115-00)

Mayor Rice said she would like to see the City do something to acknowledge Lance Corporal Kenneth Lee Worley, USMC, who had no family members, who died in the Vietnam War and was buried at Westminster Memorial Cemetery.

Mayor Pro Tem Quach suggested that staff look into the possibility of a hero's wall. Council Member Fry recommended that the City adopt Lance Corporal Worley; he said that the kiosk will list all those American and South Vietnamese soldiers who died in Vietnam. He said he would like to see a local honor board starting with soldiers from World War II. It was the consensus that staff come back with ideas for a hero's wall for discussion at a future Council meeting. There were no objections.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (City/Authority/Agency) Community Cultural Center Financing (107-04)

The Finance Director explained that three resolutions need to be adopted in order to complete financing for the Community Cultural Center. She reviewed other sources of funds for the Center.

Phil Anthony, member of the Ad Hoc Financing Committee, recommended that the three resolutions be adopted; he commended the type of private placement note for a three-year period with a low interest. He commended Sheri Peasley, the Finance Director, for her direction.

Vivian Kirkpatrick-Pilger, resident of Westminster, thanked Council Member Marsh for promoting a three-year debt limit. She reviewed the list of projects, other than the Community Cultural Center, which were listed during discussion of the IRP.

Bob Crossley, resident of Westminster, proposed alternate financing.

Tony Lam, resident of Westminster, supports the recommendation of the Ad Hoc Financing Committee to move forward with the financing of the Community Cultural Center.

Barbara Eames, resident of Westminster, stated that the Community Cultural Center has been needed for the last twenty years.

Reginald Crozier, resident of Westminster, supports adoption of the resolutions to fund the Community Cultural Center, because any delays will prove costly.

Mayor Rice stated that the parks have been upgraded with new playground equipment, a grant was received to put the wires underground, new trees have been planted, streets have been repaired, and a new water system was built. She believes that art and culture in performance is not just entertainment, but is educational and will give people a place to perform without going outside the City.

Darrell Nolta, resident of Westminster, agreed that the arts are important and supports the proposed financing.

Council Member Marsh stated that he valued hearing diverse opinions about the Community Cultural Center. He was satisfied with the current project and he did not favor the project when it was first proposed. Once it was clear that the majority of the Council was in favor of the project, everyone worked together to make it a good one. He commended Mayor Rice for the money she has raised from other government agencies. He was happy with the proposed debt package at the 3.5% interest rate, and the fact that no money will come out of the general fund.

Mayor Rice clarified that she never said she won't use taxpayer's money; she did say she won't use money from the general fund and that is the case.

Council Member Marsh stated that any donations going toward the Community Cultural Center can still be accepted and will reduce the debt on the project.

Motion was made by Council Member Marsh, and seconded by Council Member Paris, to accept the recommendation of the Ad Hoc Financing Authority and adopt:

- 1) RESOLUTION NO. 3834 entitled "A Resolution of the City Council of the City of Westminster approving the issuance and sale of Westminster Redevelopment Agency Commercial Redevelopment Project No. 1 2004 Subordinate Tax Allocation Notes", and waive further reading.

The motion was carried by the following vote:

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

Motion was made by Authority Member Marsh, and seconded by Authority Member Paris, to adopt:

- 2) RESOLUTION NO. 21 entitled "A Resolution of the Westminster Public Financing Authority authorizing the execution and delivery of a purchase agreement and actions related thereto", and waive further reading.

The motion was carried by the following vote:

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

Motion was made by Agency Member Marsh, and seconded by Agency Member Paris, to adopt:

- 3) RESOLUTION NO. 166 entitled "A Resolution of the Westminster Redevelopment Agency authorizing the issuance of the Agency's Westminster Commercial Redevelopment Project No. 1 2004 Subordinate Tax Allocation Notes, and the Execution and Delivery of an indenture, a purchase agreement and other matters relating thereto" and waive further reading.

The motion was carried by the following vote:

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

6.2 (City/Agency/Authority) Selection of dates and times for Budget Study Session(s) (103-08)

It was the consensus of the City Council/Agency to meet at 6:00 p.m. on May 18, 2004 for a budget study session, with a tentative study session scheduled for 2:00 p.m. on May 19, 2004, if needed.

6.4 Vietnam War Memorial Modifications (703-08)

The Public Works Director noted that the computer kiosk for the Vietnam War Memorial is Phase 3 of the project.

Mayor Rice asked if the flame would be lower than the urn; she thought the urn was too high. The Public Works Director said they could come back with a redesign with the urn lower than it is presently.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Paris, directing staff to redesign the eternal flame urn base to see if it can be lowered without violating the building-safety code and bring the plans back to a future Council meeting. The motion was carried by a 5-0 vote.

7. **WRITTEN COMMUNICATIONS (Public) - None**

8. **LEGISLATIVE ITEMS**

8.1 **(City) Ordinance No. 2372 and (Redevelopment Agency) Resolution No. 165 – Establishing Public Hearing Requirements when considering Requests for Financial Assistance for Alcohol or Drug Recovery Facilities (103-02)**

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

Introduce Ordinance No. 2372 entitled “An Ordinance of the City Council of the City of Westminster amending Title 9 (Public Peace, Morals, and Welfare) of the Westminster Municipal Code by adding Chapter 9.76” and waive further reading. The motion was carried by the following vote:

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

Motion was made by Agency Vice Chair Quach, and seconded by Agency Member Marsh, to:

Adopt Resolution No. 165 entitled “A Resolution of the Westminster Redevelopment Agency adopting public hearing requirements when considering requests for financial assistance for alcohol or drug recovery facilities” and waive further reading. The motion was carried by the following vote:

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

9. **COMMISSION AND COMMITTEE ITEMS**

9.1 **Request for 4-Way Stop Signs at Cedarwood Avenue and 13th Street - T.C. 04-100 (607-03)**

Motion was made by Council Member Fry, and seconded by Council Member Paris, to accept the recommendation of the Traffic Commission and deny the request for 4-way stop signs at the intersection of Cedarwood Avenue and 13th Street. The motion was carried by a 5-0 vote.

9.2 **Resolution No. 3832 – Parking restrictions on the north side of McFadden Avenue west of Swallow Lane, and extension of existing 75 feet of parking restrictions, just east of Swallow Lane, to 102 feet - T.C. 76-179 (608-02)**

Motion was made by Council Member Paris, and seconded by Mayor Pro Tem Quach, to accept the recommendation of the Traffic Commission and adopt Resolution No. 3832 entitled, "A Resolution of the City Council of the City of Westminster providing for No Stopping or Parking at certain locations on the north side of McFadden Avenue, east and west of Swallow Lane", and waive further reading. The motion was carried by the following vote:

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

9.3 Appointment of a Council Member to serve as Vice Chair to the Energy Committee (104-07)

Motion was made by Council Member Paris, and seconded by Mayor Pro Tem Quach, to nominate Council Member Marsh to serve as Vice Chair to the Energy Committee. The motion was carried by a 5-0 vote.

Darrell Nolta, member of the Energy Committee, inquired about a future Energy Committee meeting. Mayor Pro Tem Quach informed Mr. Nolta that a meeting will be scheduled for May 4, 2004 and notices will be sent out to the Committee members.

ITEM ADDED TO AGENDA:

Mayor Rice asked if an item could be added to the agenda regarding the creation of an Ad Hoc committee to review certain problematic codes.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Quach, to add an urgency item to the agenda which arose after the agenda was posted due to the fact that there are potential applicants who need to have code matters solved within a short time frame, in order to bring revenue to the City, and if it were delayed further, potential applicants may choose to build their projects in other cities. The motion was carried by a 5-0 vote.

Mayor Rice stated she would like to invite members from the Westminster Chamber of Commerce to participate in a new Ad Hoc Committee to review problematic code.

Council Member Paris volunteered to serve on the committee.

Council Member Fry said that staff should bring problematic codes to the attention of the Council at the time the issues arise.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Quach, to nominate Mayor Rice as the chair and Council Member Paris as the vice-chair of the ad hoc committee. The motion was carried by a 5-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 9:08 p.m., Mayor/Chair Rice adjourned the meeting in memory of Staff Sgt. Victor A. Rosales.

Janet Mayfield

Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary