

"Approved by the City Council/Redevelopment Agency Board on April 7, 2004."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
March 17, 2004

The City Council/Redevelopment Agency of the City of Westminster, California convened on March 17, 2004 at 7:03 p.m. in a Regular Meeting in the Council Chambers, 8200 Westminster Blvd, Westminster, California.

7:00 P.M.

ROLL CALL:

PRESENT: RICE, QUACH, FRY, MARSH, PARIS

ABSENT: NONE

SALUTE TO FLAG: Council Member Fry

INVOCATION: Council Member Marsh

SPECIAL PRESENTATIONS:

- A. Sondra Evans presented a model of the Community Cultural Center donated to the City by the Friends of the Abbey Centre. Mayor Rice noted that no City funds were used for the model.
- B. Willie Burghard, Chair of the Westminster PTA Council Reflections Program, presented Certificates to the 2003 PTA Reflections Program District Winners in four categories. (115-00)
- C. Police Chief Hall and Captain Waller presented the Annual Police Department Distinguished Service Awards for 2004 to Police Officers Bill Eifert and Nick Tran for life-saving conduct. The Mayor and Council Members congratulated the two officers.
- D. The Mayor and Council Members presented a Resolution of Commendation to Southern California Edison Company, which was accepted by Jerry Dominguez, Region Manager for Edison. (115-00)
- E. The Mayor and Council Members presented a Proclamation declaring April 4-10, 2004 as International Building Safety Week, which was accepted by Soroosh Rahbari, Building Official. Mr. Rahbari introduced his staff. (115-00)

1. CONSENT CALENDAR

APPROVAL OF MINUTES

1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of March 3, 2004.

ACTION: Approved.

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

1. Kee Sook Quesenberry in an unknown amount.
2. Chung Ja Kim in an unknown amount.

ACTION: Claim(s) filed against the City were 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 Computer Replacement Program – Desktop/Laptop Computers (106-00)

ACTION: The City Council approved a purchase order for thirty (30) replacement desktop computers and two (2) laptop computers from Gateway Business Systems in an amount not to exceed \$47,000.

1.5 Authorization to add Trask Avenue street repairs from Hoover to Goldenwest to the current contract for street improvements on Trask Avenue from Beach Boulevard to Hoover Street (502-01)

ACTION: The City Council authorized a change order in the amount of \$158,000 to All American Asphalt for street repairs on Trask Avenue from Hoover Street to Goldenwest Street for FY 2003/04.

ORDINANCES (SECOND READING)/RESOLUTIONS**1.6 Resolution No. 3826 - A Resolution of the City Council of the City of Westminster rescinding Resolution No. 2154 which provided for disabled parking restrictions at 15660 Irene Way – T.C. 77-142 (608-02)**

ACTION: The City Council adopted Resolution No. 3826 and waived further reading.

ADMINISTRATIVE ITEMS**1.7 Special Event Permit Application from Union of Vietnamese Student Association of California to hold a Black April Commemoration on Friday, April 30, 2004 at Sid Goldstein Freedom Park for three hundred (300) participants, between the hours of 9:00 a.m. and 9:00 p.m. subject to the conditions attached to the staff report. (213-02)**

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

- 1.8 Special Event Permit Application from the Vietnam War Memorial Committee to hold the First Anniversary Celebration of the War Memorial on Sunday, April 25, 2004 between 10:30 a.m. and 1:00 p.m. at Sid Goldstein Freedom Park for one hundred and fifty (150) participants. (213-02)**

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

WARRANT REGISTER

- 1.9 (City Council/Redevelopment Agency) Warrant Register dated February 27 through March 11, 2004. (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.10 Minutes of the Planning Commission meeting held February 25, 2004 (104-11)**

ACTION: Received and filed.

- 1.11 Community Development Monthly Activity Report – February 2004 (216-01)**

ACTION: Received and filed.

- 1.12 Minutes of the Traffic Commission meeting held March 2, 2004 (104-12)**

ACTION: Received and filed.

- 1.13 Minutes of the Commission on Aging meeting held on February 9, 2004 (104-03)**

ACTION: Received and filed.

Motion was made by Council Member Paris, and seconded by Council Member Fry, to approve the Consent Calendar. 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 March 10, 2004**

The Community Development Director reviewed the actions of the Planning Commission meeting of March 10, 2004:

- 1) 1044 Westminster Mall (Area Variance) for installation of a 13.5 feet by 7 feet wall sign on the exterior of the Westminster Mall not directly outside of the lease area.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Paris, to receive and file the report of the March 10, 2004 Planning Commission meeting. The motion was carried by a 5-0 vote.

3. PUBLIC HEARINGS

3.1 2004/2005 HOME INVESTMENT PARTNERSHIPS (HOME) AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATIONS (109-01)

The Housing Specialist stated that staff recommendations were proposed after the study session of February 11, 2004, where non-profit groups and City departments requested HOME and CDBG funds. The total request for funds is \$1,512,000.

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

Gloria Reyes from Abrazar, spoke in favor of granting \$35,000 in CDBG funds to Abrazar.

Darrell Nolta, resident of Westminster, spoke in favor of Abrazar, DART, Shelter for the Homeless, Code Enforcement, the Community Health Care Center, and the Alzheimers Association receiving HOME or CDBG funds.

Richard Morley, representative from Community Health Care Center in Huntington Beach, spoke in favor of giving their organization \$25,000 in CDBG funds.

Larry Luera spoke in favor of granting CDBG funds to Abrazar.

Denise Desmond, representative from the Alzheimers Association, requested CDBG funds, even though the staff did not recommend giving them any funds.

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

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Marsh, to approve \$29,281 for Abrazar, \$29,281 for Drug, Alcohol Recovery Team (DART), and \$29,281 for Shelter for the Homeless, in HOME funds for non-profit organizations. The motion was carried by a 4-1 vote with Council Member Fry voting no.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Quach, to approve HOME funds in the amount of \$58,562 for Program Administration. The motion was carried by a 5-0 vote.

Motion was made by Council Member Paris, and seconded by Mayor Pro Tem Quach, to approve HOME funds in the amount of \$360,000 for the First Time Homebuyers Program and \$79,220 for Housing Rehabilitation. The motion was carried by a 5-0 vote.

Gloria Reyes from Abrazar, stated that she will be writing a letter to HUD asking them to increase their limit for first time homebuyers. Now their limit is \$280,000. She requested that the City also write a letter to HUD and ask them to increase the cap. The Mayor agreed to write a joint letter to HUD with Abrazar.

The Planning Director said that HUD has agreed to adjust the cap to 80% of the purchase price and they expect to get that information in writing. But she noted that the income limitation will mean that applicants will need the City to make a larger contribution.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Paris, to approve the following allocation of CDBG funds for public service requests totaling \$165,811:

<u>Organization</u>	<u>Amount</u>
Abrazar	\$ 20,000
Acacia Adult Day Care	2,200
Asian American Senior Citizens Association	0
Alzheimer's Association	4,411
Boys & Girls Club	20,000
California Elwyn, Inc.	1,000
Community Care Health Centers	3,000
CSR Family Resource Center	28,747
CSR Middle School Enhancement Program	15,000
CSR Mobile Van Program	0
CSR Project S.H.U.E.	15,000
CSR Red Cross Lifeline Program	4,500
CSR Senior Outreach Program	17,453
CSR Senior Transportation	0
Special Services Clerk	0
D.A.R.T. Inc. Help Recovery	1,000
Interval House	3,500
Rebuilding Together Orange County	0
Senior Meals and Services	23,500
Shelter for the Homeless	6,500
The Raise Foundation	0
Vietnamese-American Chamber of Commerce	0
Westminster Jr. All American Football	0
Westminster Little League	0
Women Helping Women	0
Women's Transitional Living Center	0

The motion was carried by a 5-0 vote.

Motion was made by Council Member Marsh, and seconded by Council Member Paris, to approve the Community Sponsored Projects and the remaining projects as follows, totaling \$406,596:

<u>Organization/Community Sponsored</u>	<u>Amount</u>
Asian American Senior Citizen Assoc. Center Development	\$ 0
Boys & Girls Club	0
Westminster Senior Center	\$120,000
 <u>Public Works Projects</u>	
Pavement Rehab./Street Widening for area bounded by Beach, Westminster, Hazard and Cedarwood	300,891
 <u>Community Development Department Request</u>	
Code Enforcement (for staff)	216,302
 <u>CDBG Administration (20% cap)</u>	
O.C. Fair Housing Council for Westminster Housing Services	15,888
CDBG Program Administration	286,512
 <u>Section 108 Loan Principal & Interest Payment</u>	
Interest payment due 8-1-04	16,274
Principal payment due 8-1-04	395,000
Interest payment due 2-2-05	0
Less Interest Earned	(4,678)

The motion also included authorization for the Interim City Manager to submit the application to the U.S. Department of Housing and Urban Development (HUD) before May 17, 2004. The motion was carried by a 5-0 vote.

3.2 NEGATIVE DECLARATION ND 2003-10, INSTALLATION OF CUL-DE-SACS AND STREET IMPROVEMENTS; LOCATION: 19TH STREET, 20TH STREET, 21ST STREET AND 22ND STREET FROM BEACH BOULEVARD ON THE WEST TO MONROE STREET ON THE EAST (604-05)

The Public Works Director gave an overview of the project goals, and the consultant, Rick Zimmer, reviewed the proposed negative declaration. A town hall meeting was held with the neighbors and business owners and one small business owner objected to the plan.

Mr. Zimmer mentioned that the reason a negative declaration is needed is due to the closure of streets. No written responses or oral comments were received, however,

CalTrans asked to extend the time so that they could respond, staff answered their concerns and this appears as Addendum No. 2. An additional mitigation measure was recommended as a result, which was to offset minor traffic impacts that may occur, which will be negotiated with CalTrans. The staff recommendation is to approve Negative Declaration ND 2003-10, with Addendum No. 1 and Addendum No. 2.

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

Gloria Reyes, resident of Westminster, said she agreed with the overall project, however, she thought too many streets are proposed for closure, because the traffic will impact those streets that are left as through streets.

Danny Maka'ena, 8071 21st Street, spoke in favor of the proposed cul-de-sacs and presented a petition with the signature of 15 of his neighbors, all in favor of the proposal.

THE MAYOR ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM.

Aida Koless, 8232 20th Street, spoke in opposition to the negative declaration due to traffic concerns. She noted that there are residents who want to make right turns onto Beach Boulevard. She said that she was unaware of a town hall meeting on the subject.

Paul Barba stated that he represented a small business at 8051 21st Street, and is concerned that a cul-de-sac will deny egress, so he opposed the proposal.

Michael McKinney, 8231 20th Street, spoke in opposition, citing serious potential traffic problems. He added that the streets need to be widened and repaved.

Darrell Nolta, resident of Westminster, spoke in opposition to the negative declaration. He said that the cul-de-sacs will set a precedent; that there will be a traffic impact on the other streets; and it will change the public right-of-way. He questioned whether or not the traffic study for the negative declaration would mitigate the speeding situation.

Andrew Clayton, resident on 21st Street, spoke in opposition to the proposal citing traffic problems.

REBUTTAL:

Danny Maka'ena read the petition he brought from his neighbors at 14 addresses and he submitted it to the Assistant City Clerk. Mayor Rice asked if it was Mr. Maka'ena's petition that motivated this project. Mr. Maka'ena said it was not his petition.

THE MAYOR CLOSED THE PUBLIC HEARING.

Council Member Fry stated that there were some unanswered questions which he thinks warrants a study session.

Mayor Pro Tem Quach said he believes that the negative declaration document needs more information on pages 7 and 22 under “hazards/barriers for pedestrians”, bicyclists are omitted. He disagreed with the analysis on page 9 “Aesthetics”, which says no impact and he believes the walls will affect how it looks.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Quach, to disapprove Negative Declaration ND 2003-10.

Council Member Marsh said that anticipated changes over time were not taken into consideration in the environmental document. He believes that there will be increased vehicles trips/traffic congestion, therefore, the mitigation measures will not be sufficient and should be placed in the potentially significant impact category. He believes that the traffic will increase on the numbered streets, Jackson and Monroe Streets. Although, he stated he is not criticizing the negative declaration report, he disagrees with the assessment and valuation. Regarding inadequate emergency access or access to nearby uses, he believes it should be in the potentially significant impact category. He said he may agree with closing two streets, but not four streets.

Council Member Fry asked if this could be discussed in a study session. There were no objections.

Council Member Marsh requested that staff analysis include discussion of four intersections: Jackson and Trask, Jackson and Westminster, Monroe and Trask and Monroe and Westminster.

Mayor Rice requested that staff provide information about who received notices, including if the schools and Midway City Sanitary District received notices, as she is concerned about access for the trash trucks.

The motion was carried by a 5-0 vote.

3.3 NEGATIVE DECLARATION ND 2003-09, WESTMINSTER BOULEVARD REVITALIZATION; LOCATION: WITHIN THE PUBLIC RIGHT OF WAY OF WESTMINSTER BOULEVARD, FROM BOLSA CHICA ROAD ON THE WEST AND BUSHARD STREET ON THE EAST (604-08)

The City Engineer said that the next section of the median in Westminster Boulevard will be from Edwards to Hoover, and eventually it will continue to Bushard Street. He noted that an environmental document is necessary because some left turns are being removed by the median; and u-turns will be allowed at certain streets.

Rick Zimmer, consultant, reviewed the negative declaration document and said that during the 20-day comment period no written responses or oral comments were received.

The Community Development Director added that the median project will also include trees on the north and south sides of the street, stamped crosswalks and may include decorative street lights, if the funds are available.

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, spoke in favor of the negative declaration and the project. He said he liked the trees and the stamped, colorized crosswalks for pedestrian safety.

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

Motion was made by Council Member Fry, and seconded by Council Member Paris, to approve Negative Declaration ND 2003-09. The motion was carried by a 5-0 vote.

RECESS AND RECONVENE:

At 10:00 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 10:20 p.m.

4. ORAL COMMUNICATIONS

Darrell Nolta, resident of Westminster, addressed the Council regarding the formation of a subcommittee by the Orange County Board of Supervisors to investigate the problems which occurred at the March primary election. He said that he and all the poll workers were invited to a BBQ to discuss their experiences on election day.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Mayor Rice said she was very proud of the City's police, and contrary to what newspaper articles have reported, no services have been cut.

5.2 Consideration of membership in the United States Conference of Mayors (Mayor Rice) (112-15)

Mayor Rice stated that the membership dues have been requested and it is her opinion not to continue membership in the U.S. Conference of Mayors. If the Council agrees, she said that if a new mayor is elected, he or she can bring the item back on the agenda.

Mayor Pro Tem Quach added that you do not have to be a member to attend their conferences.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Quach, to strike membership in the U.S. Conference of Mayors from the budget. The motion was carried by a 5-0 vote.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Loan Agreement between the City of Westminster or Westminster Redevelopment Agency and Cambridge Heights L. P. for a 22-unit affordable senior apartment project at 7541 Wyoming Street (this matter was continued from the March 3, 2004 meeting) (502-03)

The Community Development Director stated that HUD requested a continuance from the last Council meeting so they could study the proposed amendment, and today a letter was received from HUD with their written approval.

Motion was made by Council Member Paris, and seconded by Council Member Fry, to approve the Loan Agreement, and authorize the Interim City Manager to execute the agreement on behalf of the City. The motion was carried by a 5-0 vote.

6.2 Plan check and inspection services contract with Melad & Associates (502-13)

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Marsh, to approve a \$30,000 increase to the contractual budget, Account No. 62050-43090, and increase the existing contract with Melad & Associates for plan check and inspection services by the same amount. The motion was carried by a 5-0 vote.

6.3 City of Westminster Health Insurance Portability and Accountability Act (HIPAA) Privacy Policies and Procedures (110-01)

Council Member Marsh advised the Council that new guidelines are coming in approximately six months.

Motion was made by Council Member Paris, and seconded by Mayor Pro Tem Quach, to approve the City of Westminster HIPAA Privacy Policies and Procedures and direct and authorize staff to execute appropriate Business Associate agreements as may be necessary to comply with HIPAA regulations. The motion was carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Request from League of United Latin American Citizens (LULAC) Westminster Council #3017 (103-09)

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Quach, to approve a request from LULAC Westminster Council #3017 to have their organization's logo placed on the "Welcome to the City of Westminster" marquee at the Wal-Mart location (Beach Boulevard/Trask Avenue). The motion was carried by a 5-0 vote.

Danny Maka'ena, representing LULAC, displayed a picture of their logo.

7.2 Request from Friends of the Abbey Centre requesting the City's co-sponsorship in preparations for the Mayor's Ball to be held on Saturday, June 26, 2004 (213-04)

The City Attorney said that he was concerned about the use of the word "co-sponsor" as it could result in a potential liability issue. He advised that the wording be changed to "assist".

Motion was made by Council Member Fry, and seconded by Council Member Paris, to approve the request from Friends of the Abbey Centre for the City to assist in preparations for the Mayor's Ball to be held on June 23, 2004. The motion was carried by a 5-0 vote.

Mayor Rice noted that Tony Lam was scheduled to appear before the Council on behalf of Friends of the Abbey Centre to request a certain amount of money, however, he has been ill. The City Attorney advised that Council wait for an official request for funds from the Friends of the Abbey Centre.

8. LEGISLATIVE ITEMS – None

9. COMMISSION AND COMMITTEE ITEMS

9.1 Resolution No. 3829 – Establishment of a three-way stop sign and marked crosswalks at the intersection of All American Way and 13th Street T.C. 73-100 (607-03)

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Paris, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3829 entitled, "A Resolution of the City Council of the City of Westminster providing for a three-way stop sign at the intersection of All American Way and 13th Street", and waive further reading. The motion was carried by the following vote:

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

10. COUNCIL/AGENCY ADJOURNMENT: At 10:35 p.m. Mayor/Chair Rice adjourned the meeting to Monday, March 22, 2004 at 8:00 a.m. in the Council Conference Room, 8200 Westminster Boulevard, Westminster, for the purpose of holding a closed session to interview City Manager applicants.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary