

"Approved by the City Council/Redevelopment Agency Board on May 18, 2005."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
April 20, 2005

The City Council of the City of Westminster, California convened on April 20, 2005 at 6:32 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

6:30 P.M.
CLOSED SESSION

CALL TO ORDER:

ROLL CALL

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

URGENT ITEM ADDED TO CLOSED SESSION:

There was a unanimous motion to bring the following item onto the agenda for Closed Session of an urgent nature, which arose subsequent to the posting of the agenda and requires immediate action, as follows:

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 purpose:

- 1) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: City Manager Vangie Schock and Labor Negotiator Dave Larsen; Employee Organization: Westminster Police Officers' Association (WPOA).

RECESS: At 7:00 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 Marsh's Youth in Government Day counterpart
Olivia Nguyen

INVOCATION: Council Member Fry

REPORT OUT OF CLOSED SESSION:

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

SPECIAL PRESENTATIONS:

- A. The Mayor and City Council Members presented a proclamation declaring "Red Hat Society Day, April 25, 2005" to representatives of the local chapter of the Red Hat Society.
- B. The Mayor and City Council Members introduced and recognized the Youth in Government Day participants.
- C. A mock check from Proposition 12, tree grant money and a "Tree City USA" plaque was presented to the City by Craig Anthony from the Department of Forestry. The Mayor and City Council Members presented a Proclamation declaring April 30, 2005 as "National Arbor Day" in the City of Westminster. The Interim Public Works Director/City Engineer introduced key staff members, members of the Tree Education Committee, and a representative from State Senator John Campbell's office.
- D. Penny Loomer, Assistant City Manager, gave a presentation and demonstration of the new City Website.
- E. Mayor Rice presented a check to cover the cost of her chair.

1. CONSENT CALENDAR

ROUTINE MATTERS

1.1 (City Council) Denial of Claim(s) Against the City from:

- 1. Thuy-Anh Nguyen in the amount of \$512.13.
- 2. Amado Castillo in the amount of \$200.00.

ACTION: The claims filed against the City were denied.

- 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.

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.3 Approval of Third Amendment to Street Sweeping Contract with R.F. Dickson Company, Inc. (502-18)**

Darrell Nolta, resident of Westminster, stated he opposed the amendment due to the amount of the increase and he was not satisfied with the work the R.F. Dickson Company employee has done on Brookhurst Street.

The Interim Public Works Director/City Engineer said the City is asking for a three-year extension, however, it can be cancelled at any time with enough of a notice. The prevailing wage is another issue, and it is not being charged by the R.F. Dickson Company.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to approve the Third Amendment to the Street Sweeping Contract with R.F. Dickson Company, Inc., and the City Manager was authorized to execute the contract amendment. The motion was carried by a 4-1 vote, with Mayor Rice voting no.

Mayor Rice stated that she voted no because she believes the City receives better service with in-house employees.

- 1.4 Rejection of Bid for Pre-Cast Concrete or Approved Equal Restroom/ Storage Building at Liberty Park (603-02)**

ACTION: The City Council rejected the only bid received for this project.

- 1.5 Award of Contract for 2004-2005 City-Wide Cape & Slurry Seals Project at Various Locations (502-01)**

ACTION: The City Council approved the contract with All American Asphalt in an amount of \$383,292.07, and authorized the City Manager to execute the agreement on behalf of the City.

- 1.6 Revised Classification Specification – Senior Animal Control Officer (110-04)**

ACTION: The City Council approved the amended classification specification for Senior Animal Control Officer.

- 1.7 (Redevelopment Agency) Redevelopment Agency Annual Report (901-04)**

ACTION: The City Council received and filed the Redevelopment Agency 2004 Annual Report.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.8 **Ordinance No. 2383 - An Ordinance of the City Council of the City of Westminster amending Chapter 8.26, Regulation of Leaf Blowers of the Westminster Municipal Code to regulate powered yard equipment (Mayor Pro Tem Paris) ()**

ACTION: The City Council adopted Ordinance No. 2383 and waived further reading.

ADMINISTRATIVE ITEMS

- (ITEM REMOVED AND HEARD SEPARATELY)
- 1.9 **Street Pole Banner application from Vietnamese-American Community of Southern California to hang flags on Edison poles on specific streets in Westminster (202-03)**

Council Member Marsh asked staff if the applicant is agreeing to the same terms as last year, including the geographic locations and the amount of time allowed. The Assistant City Manager responded that the applicant agreed with the same terms.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris, to approve the request to hang flags from April 25, 2005 to May 4, 2005 (10 days) at the following locations:

- a. Bolsa Avenue from Magnolia Avenue to the east boundary of the City (Ward)
- b. South side of Westminster Blvd. from Magnolia Avenue to the east boundary of the City (Bushard)
- c. Magnolia Avenue from Westminster Blvd. to Bolsa Avenue
- d. Brookhurst Street from Hazard Avenue to Margo Lane.

Tony Lam, resident of Westminster, suggested that special event permits which come to the Council on a regular, annual basis be granted 5-year approvals.

Darrell Nolta, resident of Westminster, said he supports placing the South Vietnamese banners on the Edison Company poles, however, he noted that the American flag should fly higher.

The motion was carried by a 5-0 vote.

WARRANT REGISTER

- 1.10 **(City Council/Redevelopment Agency) Warrant Register dated March 31, 2005 through April 12, 2005. (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.11 **Minutes of the Planning Commission meeting held March 9, 2005 (104-11)**

ACTION: Received and filed.

- 1.12 **Treasurer's Report – February 2005 (105-08)**

ACTION: Received and filed.

Motion was made by Council/Agency Fry, and seconded by Council/Agency Member Marsh, to approve the Consent Calendar, with the exception of Item Nos. 1.3 and 1.9, which were removed for separate consideration. The motion was carried by a 5-0 vote.

END OF CONSENT CALENDAR**2. ORAL COMMUNICATIONS**

Tony Lam, resident of Westminster, said he watched the last City Council meeting and heard the discussion regarding the Mayor's chair, therefore, he contributed \$100 toward the cost of the Mayor's chair.

Marilyn Fry, representing the Westminster Chorale, announced that the Westminster Chorale will be performing on May 14 at the Strong Tower Worship Center at 7:00 p.m. Also, she noted that traffic on Trask Avenue next to the Walmart is a problem and cars are running the signal at Descanso.

Philip Hodgetts, resident of Westminster, announced that the AQMD will be in Palm Springs and will display alternative motor vehicles. He said he can take three people if they wish to attend.

Tammy Tran, resident of Westminster, thanked the Council for approving the hanging of the South Vietnamese flags to commemorate the 30th anniversary of the Fall of Saigon.

Darrell Nolta, resident of Westminster, spoke regarding ambulance service in Midway City, which he said would affect Westminster residents if they were in an accident in Midway City. He also commented on AB 463, regarding the rules of closed sessions.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**3.1 The actions of the Planning Commission meeting held on April 13, 2005**

The Community Development Director reviewed the actions of the Planning Commission meeting of April 13, 2005:

- 1) 9251-9261 Bolsa (Case 2004-64, Area Variance/Site Plan Review/Design Review) for expansion of an existing commercial building by adding a total of 490 sq. ft. to the first and second story mezzanine with no additional parking. The proposal also includes a complete renovation of the exterior of the building.
- 2) 7902 14th Street (Case 2005-03, Site Plan Review/Design Review) for remodeling an existing single-family residence and adding three new two-story rental units.

Council Member Quach stated he would not vote on Item 1 due to a business association he has with the owner of the property at 9251-9261 Bolsa.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to receive and file Item No. 2 of the report of the Planning Commission meeting of April 13, 2005. The motion was carried by a 5-0 vote.

RECESS AND RECONVENE:

At 8:30 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 8:45 p.m.

4. PUBLIC HEARING**4.1 Allocation of 2005/2006 Home Investment Partnerships (HOME) and Community Development Block Grant (CDBG) (109-01)**

The Community Development Director stated that the study session was held on March 23, 2005 and heard from representatives from the requesting groups.

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, listed organization that he supported to receive funds.

Tony Lam, representing the Asian American Senior Citizen Association, asked for assistance to that organization for the purpose of remodeling their building.

Council Member Marsh requested a copy of the Asian American Senior Citizen Association's non-profit articles of incorporation and the plans for the remodel of their building.

Gloria Reyes, spokesperson for Abrazar Inc., requested that the Council approve CDBG and HOME funds.

Phil Anthony, representing the Westminster Boys and Girls Club Board of Directors, stated that demand is growing for programs and he asked for the Council's support.

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

Motion was made by Council Member Quach, and seconded by Mayor Rice, to approve the following in HOME funds totaling \$558,377:

\$350,000	Abrazar
100,000	Drug, Alcohol Recovery Team (DART)
55,838	Program Administration
52,539	Housing Rehabilitation Loans & Mobile Home Grants

The motion was carried by a 5-0 vote.

Regarding the CDBG requests, Mayor Rice said she would like to give the Westminster Little League \$5,000 even though they did not put in a request.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to approve the following allocation of CDBG funds for public service requests for a sub-total of \$214,488 (Page 3 includes CDBG funds):

<u>Organization</u>	<u>Amount</u>
Abrazar	\$ 20,000
Acacia Adult Day Care	0
Alzheimer's Association	0
American Family Housing dba Shelter for The Homeless (Jackson St.)	15,000
American Family Housing dba Shelter for The Homeless (Locust St.)	15,000
Asian American Senior Citizens Association	0
Boys & Girls Club	20,000
California Elwyn, Inc.	0
Community Care Health Centers	0
CSR Family Resource Center	28,757
CSR Middle School Enhancement Program	\$15,000
CSR Project S.H.U.E.	15,000
CSR Red Cross Lifeline Program	6,593

CSR Senior Outreach Program	20,000
CSR Senior Transportation	0
D.A.R.T. Inc. Help Recovery	1,000
Interval House	12,638
Rebuilding Together Orange County	0
Senior Meals and Services	23,500
The Raise Foundation	0
Vietnamese-American Chamber of Commerce	0
Volunteer Exchange – Misty's Closet	15,000
Westminster Jr. All American Football	2,000
Westminster Little League	5,000
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 Mayor Pro Tem Paris, to approve the following Construction and Rehabilitation projects, Community Development Department projects, CDBG Administration and City Manager/Economic Development requests for a sub-total of \$1,215,429, (bringing the total CDBG amount to \$1,429,917):

Community Sponsored Projects

Asian American Senior Center	\$100,000
Boys and Girls Club	40,000

Public Works Department

Pavement Rehabilitation Area bound by Westminster/Hazard, Beach & Cedarwood	\$261,795
Pavement Rehabilitation Area bound by Westminster	100,000

Community Development Department

Code Enforcement	\$227,651
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CDBG Administration

Fair Housing Council of Orange Co.	\$ 16,560
CDBG	285,983

City Manager

Economic Development	\$200,000
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The motion includes authorization for the City Manager to submit the application to the U.S. Department of Housing and Urban Development (HUD) before May 17, 2005. The motion was carried by a 5-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Fry announced that the City will hold a Memorial Day ceremony at the Westminster Cemetery on May 30, 2005 at 11:00 a.m. He requested that the new website include a list of unusual trees planted throughout the City. He said that the "Every 15 Minutes" program will be conducted by the Westminster Police Department starting tomorrow at Westminster High School. He advised the Council about AB 991 which would change the composition of the Vector Control Board and he would like the Council to take a position in opposition against the bill.

Council Member Marsh commented on the election of a new pope. He announced that Senator Tom McClintock will be speaking at the Balboa Bay Club this Saturday morning. He informed the Council that Ralph Velez' wife, Nilda Velez passed away and he requested that the next Council meeting be adjourned in her honor.

Mayor Rice said she will attend a fund raiser for organ donors this Saturday. She said that her friend Howard Rudolph passed away, whose wife is a teacher in Westminster and she will close the meeting in his honor this evening.

5.2 Request for Mayor Rice, on behalf of the City Council, to attend a ceremony in Washington D.C. acknowledging Tony Lam as an outstanding Vietnamese citizen. (Mayor Rice)

Mayor Rice said she would be leaving for the event on May 1 and return on May 3, 2005.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris, to approve Mayor Rice's attendance at a ceremony in Washington D.C. acknowledging Tony Lam as an outstanding Vietnamese American citizen. The motion was carried by a 5-0 vote.

5.3 Resolution No. 3913 – A Resolution of the City Council of the City of Westminster commemorating the 30th Anniversary of the Vietnamese refugees in Westminster. (Mayor Rice & Mayor Pro Tem Paris) (103-12)

Motion was made by Council Member Quach, and seconded by Council Member Fry, to adopt Resolution No. 3913 and waive further reading. The motion was carried by the following vote:

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

Council Member Quach stated that people have asked him why the Vietnamese community celebrates the Fall of Saigon, but he said they really are celebrating the beginning of their new life in America.

5.4 Request to move the City Council meetings from the first and third Wednesdays of the month to the second and fourth Wednesdays of the month. (Mayor Rice) (103-08)

It was the consensus of the Council to direct staff to return with an ordinance to the May 4, 2005 agenda on the Consent Calendar in order to change the regular Council/Agency meetings to the second and fourth Wednesdays of the month.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Permission to use City property for Westminster Police Officers Association Police Memorial (805-09/702-01)

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to approve the land use request by the Westminster Police Officers Association (WPOA) subject to agreed terms and conditions. The motion was carried by a 5-0 vote.

6.2 Award of Agreement for 2005 Fourth of July Fireworks Display (502-16)

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

1. Approve an agreement with Pyro-Spectacular in the amount of \$19,000 to conduct the fireworks display at the 2005 Fourth of July celebration, and authorize the City Manager to execute the agreement on behalf of the City; and
2. Approve additional funding for Fiscal Year 2005-2006 in the amount of \$7,000 and transfer from the General Fund Contingency, Account No. 20000-60904 to Account No. 75100-43090 to cover the increase of the fireworks display.

The motion was carried by a 5-0 vote.

6.3 (City Council/Redevelopment Agency) Consideration of a loan and terms for a \$250,000 loan for the Asian American Senior Citizen Association to remodel and expand its facility at the northeast corner of Hospital Circle and 21st Street (Cont. from 4/6/05) (901-06)

Tony Lam, representative to the Asian American Senior Citizen Association, gave Council/Agency Member Marsh a copy of the incorporation papers for the Association. He said they are asking for a very low interest 15-year loan.

Council/Agency Member Marsh inquired concerning the equity and debt on the property, to which Mr. Lam responded that there is no debt on the property. Tan Vu, from the Asian American Senior Citizen Association, also noted that two years ago the property was appraised at \$550,000 and he is sure it is worth more today.

Tony Lam thanked the Council for approving the Mayor's trip to Washington D.C. and for passing the resolution acknowledging the 30 year anniversary of the Fall of Saigon.

Motion was made by Council/Agency Marsh, and seconded by Council/Agency Member Quach, to authorize staff to arrange a loan for the Asian American Senior Citizen Association for up to \$250,000 at 3% interest secured as the first deed of trust with no prior security interest on the property against the land and the building, to be paid off over 15 years, but providing for no pre-payment penalty for the applicant, with the project still subject to all standard City review requirements.

The Finance Director asked if he will be using Redevelopment Agency funds, to which Council/Agency Member Marsh answered yes. The Finance Director said that he will need to determine the balance in the Agency's reserve.

Darrell Nolta, resident of Westminster, said he supports Tony Lam's request to assist the Asian American Senior Citizen Association.

The motion was carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Waiver of Rental Fees/Community Services Building (702-06)

Mayor Rice stated that Girl Scout Leader, Robin Sotille, will be receiving an award Friday evening.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to grant a request from the Girl Scout Council for waiver of fees for the use of the Community Services Building East/West Rooms on Monday, June 6, 2005 at 7:00 p.m. for their Silver Awards Ceremony. The motion was carried by a 5-0 vote.

8. LEGISLATIVE ITEMS - None**9. COMMISSION AND COMMITTEE ITEMS****9.1 Appointments to Commissions and Committees (104-00)**

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to appoint the following: The Council appointed Philip Hodgetts as an at-large member of the Mobile Home Commission; Council Member Fry appointed Darrell Nolta to the Tree Education Committee, and the Council appointed Guy Perry as a park owner/manager member of the Mobile Home Commission, for two-year terms ending November, 2006. The motion was carried by a 5-0 vote.

- 10. COUNCIL/AGENCY ADJOURNMENT:** At 10:40 p.m. Mayor/Agency Chair Rice adjourned the meeting in memory of Howard Rudolph, to Monday, April 25, 2005 in the East/West Room of the Community Services Building for the purpose of conducting a Commission and Committee Orientation meeting.



Janet Mayfield, Acting City Clerk/
Acting Agency Secretary