

“Approved by the City Council/Redevelopment Agency Board on April 11, 2007.”

CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF THE REGULAR MEETING

WESTMINSTER, CALIFORNIA  
March 14, 2007

The City Council/Agency Board of the City of Westminster, California convened on March 14, 2007 at 6:00 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**6:00 P.M.**  
**CLOSED SESSION**

**CALL TO ORDER:**

**ROLL CALL**

PRESENT: RICE, MARSH, FRY, QUACH (arrived at 6:15 p.m.), TA  
ABSENT: NONE

**URGENT ITEMS ADDED TO CLOSED SESSION:**

By a unanimous vote of the City Council, the following items were added to Closed Session, as it was determined that the matters are of an urgent nature, arose subsequent to the posting of the agenda, and require immediate action.

Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (two potential cases).

**CLOSED SESSION:**

The City Council/Redevelopment Agency recessed to a Closed Session at 6:00 p.m. for the following purpose:

- 1) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representative: Interim City Manager Andy Hall and Interim Director of Personnel/Risk Management Chris Birch; Employee Organization: Westminster Municipal Employees Association (WMEA).

**RECESS:** At 6:50 p.m., Mayor/Agency Chair Rice recessed the meeting held in the Council Conference Room.

**7:00 P.M.**

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

The City Council/Redevelopment Agency Meeting reconvened at 7:07 p.m. in the Council Chambers.

**ROLL CALL**

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

**SALUTE TO FLAG:** Council Member Quach

**INVOCATION:** Council Member Ta

**REPORT OUT OF CLOSED SESSION:**

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

**SPECIAL PRESENTATIONS:**

- A. Sandy McClure, Westminster Chamber of Commerce reported on the recent and upcoming events within the City.
- B. Mayor Pro Tem Marsh presented a Resolution of Commendation to the Board of Directors of the Westminster Chamber of Commerce. (115-00)

**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 February 13, 2007; Minutes of the Regular Meeting of the City Council/Redevelopment Agency of February 14, 2007; and Minutes of the Adjourned Regular Meetings of the City Council/Redevelopment Agency of February 24, 2007 and March 5, 2007.**

ACTION: Approved.

**ROUTINE MATTERS**

- 1.2 **(ITEM REMOVED AND HEARD SEPARATELY)  
Purchase of One-Ton Cutaway Van (502-06)**

Mayor Rice expressed concern of not purchasing vehicles within the City of Westminster.

Jeff Howell, Public Works Manger informed the Mayor that bids were sent to various dealerships in the City, but they did not respond.

Council Member Quach supports purchasing within the City only if their bid meets the criteria and their price is low enough.

**Motion was made by Council Member Quach, and seconded by Council Member Fry to authorize a purchase order to Fairview Ford Sales, Inc. in the amount of \$21,019.19 to purchase a One-Ton Cutaway Van.**

The motion carried by the following vote:

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

- 1.3 **“Covenant and Agreement to Hold As One Parcel” for Two Lots Located at 14181 Frances Street (Approximately 950 feet south of the intersection of Westminster Boulevard and Rancho Road (502-32)**

ACTION: The Mayor and City Council accepted the subject document and authorized the City Clerk to record the agreement with the County Recorder's Office.

- 1.4 **Amendment No. 1 to Professional Engineering Services Agreement with Norris-Repke to provide engineering design services for Goldenwest Street from Bolsa Avenue to Hazard Avenue; Magnolia Street from Edinger Avenue to the I-405 Freeway; and Trask Avenue from Beach Boulevard to Newland Street. (502-14)**

ACTION: The Mayor and City Council approved Amendment No. 1 to the professional engineering services agreement with Norris-Repke in an amount not to exceed \$3,500.00, and authorized the Interim City Manager to execute the amendment on behalf of the City.

- 1.5 **Amendment No. 1 to Geotechnical Services Maintenance Service Agreement with Geo-Etka, Inc. to Provide Geotechnical Services for Goldenwest Street from Bolsa Avenue to Hazard Avenue; Magnolia Street from Edinger Avenue to the I-405 Freeway; and Trask Avenue from Beach Boulevard to Newland Street. (502-07)**

ACTION: The Mayor and City Council approved Amendment No. 1 to the Geotechnical Services Maintenance Service Agreement with Geo-Etka, Inc. in an amount not to exceed \$14,400.00, and authorized the Interim City Manager to execute the amendment on behalf of the City.

- 1.6 **Fee Waiver Request from American Family Housing to host Thanksgiving Day dinner in the East/West room of the Community Services building on Thanksgiving Day, Thursday, November 22, 2007 from 8:00 a.m. until 3:00 p.m. (702-06)**

ACTION: The Mayor and City Council approved the fee-waiver request from American Family Housing as outlined in the fee waiver policy for use of City facilities by Community Groups/Non-Profit organizations.

## **RESOLUTIONS**

**(ITEM REMOVED AND HEARD SEPARATELY)**

**1.7 Resolution No. 4069 – A Resolution of the Mayor and City Council of the City of Westminster Providing for No Stopping or Standing at Various Locations for Street Sweeping Purposes (608-02)**

Jeff Howell, Public Works Manager informed the Council of an amendment to the proposed Resolution. He explained that in Section 2 of the Resolution where it addresses the street sweeping schedule for Hazard Avenue, south side, from Chestnut Street to Goldenwest Street, it should say 1<sup>st</sup> and 3<sup>rd</sup> Thursdays between 8:00 a.m. and 1:00 p.m not Fridays.

Mayor Pro Tem Marsh stated that the residents need to be notified if there are changes being made to the street sweeping schedule.

Mayor Rice agreed that the residents need to be notified of the changes.

**Motion was made by Mayor Pro Tem Marsh**, and seconded by Council Member Quach, to continue this item to the March 28, 2007 meeting in order to send out notices to the residents of the street sweeping changes. The motion carried by a 5-0 vote.

**ADMINISTRATIVE ITEMS**

**1.8 Special Event Permit application from the Vietnamese American Community of Southern California (VACSC) to hold a Black April Commemoration Ceremony on Saturday, April 28, 2007 between the hours of 8:00 a.m. and 9:00 p.m. (includes set up and clean up times). The event will take place at Sid Goldstein Freedom Park, 14180 All American Way. Applicant estimates the attendance will be 1000 people. (213-02)(V1)**

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

**(ITEM REMOVED AND HEARD SEPARATELY)**

**1.9 Special Event Permit application from the Vietnam War Memorial Committee to hold a Memorial Ceremony on Sunday, April 29, 2007 between the hours of 7:00 a.m. and 8:00 p.m. (Includes set up and clean up times). The event will take place at Sid Goldstein Freedom Park, 14180 All American Way. Applicant estimates the attendance will be 500 people. (213-02)(VI)**

Mayor Pro Tem Marsh informed the Council that the Vietnam War Memorial Committee is substantially in debt with the City and that it is normally City policy to deny a Special Events Permit if the applicant is in debt with the City. It is his understanding that Council Member Fry is the applicant rather than the Committee, and if so, he is prepared to approve it.

Mayor Rice requested that the City send a notice to the Vietnam War Memorial Committee stating the balance owed to the City.

Council Member Fry responded by saying that they have received a notice from the City with the balance owed.

**Motion was made by Mayor Pro Tem Marsh, and** seconded by Council Member Ta, to approve the Special Event Permit application with the correction that Frank G. Fry is the applicant, subject to the conditions attached to the staff report.

The motion carried by the following vote:

AYES: RICE, MARSH, QUACH, TA  
NOES: NONE  
ABSTAIN: FRY  
ABSENT: NONE

**(ITEM REMOVED AND HEARD SEPARATELY)**

- 1.10 Special Event Permit application from the King Hung Oversea Association to hold a ceremony and concert on Sunday, April 22, 2007 between the hours of 8:00 a.m. and 5:00 p.m. The event will take place at the City Hall Parking lot. Applicant estimates the attendance will be 200 people.**

(213-02)(KI)

Greg Johnson, Community Services Director informed the Council that the applicant has moved the location of the second part of their event from the parking lot to the Sunken Gardens.

**Motion was made by Council Member Fry, and** seconded by Council Member Ta to approve the Special Event Permit application with the change of location to the Sunken Gardens, subject to the conditions attached to the staff report. The motion carried by a 5-0 vote.

#### **WARRANT REGISTER**

- 1.11 (City Council/Redevelopment Agency) Warrant Register dated February 21 through March 6, 2007 (105-09)**

ACTION: Approved.

#### **INFORMATION AND REPORTS**

- 1.12 Minutes of the Planning Commission meeting held February 7, 2007 (104-11)**

ACTION: Received and filed.

- 1.13 Community Development Monthly Activity Report – February 2007 (216-01)**

ACTION: Received and filed.

**Motion was made by Council/Agency Member Quach**, and seconded by Council/Agency Member Fry to approve the Consent Calendar with the exception of Item No.'s 1.2, 1.7, 1.9 and 1.10 which were removed for separate consideration. The motion carried by a 5-0 vote.

### **END OF CONSENT CALENDAR**

## **2. ORAL COMMUNICATIONS**

Phil Hodgetts, Westminster resident, spoke on alternative energy. He also spoke about the tax benefits from purchasing "non-polluting" vehicles.

Judy Ahrens, Westminster resident, spoke about the book titled "The Marketing of Evil", and encouraged everyone to read it.

## **3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**

### **3.1 The actions of the Planning Commission meeting held on March 7, 2007.**

- 1) Case 2006-54 Conditional Use Permit for on-sale of beer and wine (type 41 ABC license) in conjunction with an existing restaurant (Rockin' Crawfish). Location 9211 Bolsa Avenue #120-121.

**Motion was made by Council Member Quach**, and seconded by Council Member Fry, to receive and file Item No. 1 of the oral report of the Planning Commission meeting of March 7, 2007. The motion carried by a 5-0 vote.

## **4. PUBLIC HEARINGS**

### **4.1 REVIEW OF PLANNING COMMISSION APPROVAL OF CASE NO. 2006-103 (SITE PLAN, DESIGN REVIEW) TO ESTABLISH AND OPERATE A COFFEE KIOSK. LOCATION: 15221 BEACH BOULEVARD. APPLICANT: DEBBIE EDWARDS. PROPERTY OWNER: PEP BOYS AUTO GROUP. (201-00) (CN 2006-103)**

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

Susan Cooper, Daily Grind Espresso Bar, gave a brief history of the drive-through coffee kiosk that has been in business for twelve years. She stated that they now have six locations, in which the third is located on Goldenwest Street in Westminster. She explained that her and her co-owner, Debbie Edwards have a strong company foundation based on business core values such as ethics, dedication to the environment, continuing education, excellence in customer service, top quality products and ingredients. She also included that the employees that work there are High School and College students. They encourage their employees to maintain good grades and arrange their work schedule around their school needs.

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

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

Mayor Rice expressed that she had concerns of two drive-through's in the parking lot, but after visiting the site and meeting with staff she no longer has concern.

**Motion was made by Mayor Rice**, and seconded by Council Member Ta, to approve the recommendation of the Planning Commission and adopt Resolution No. 4067 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2006-103 pertaining to a Site Plan and Design Review for the installation and operation of a 288-square foot drive-through coffee kiosk located at 15221 Beach Boulevard" and waive further reading.

In response to concerns raised by Council Members, Steve Ratkay, Associate Planner, explained that the plan was reviewed by the Engineering Division and the Traffic Division and they had no concerns related to either entering or exiting the site.

The motion carried by the following vote:

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

## **5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**

### **5.1 Council/Agency Member Items**

Council Member Fry extended an invitation to everyone to attend the Founder's Day Celebration on March 16, 2007 at 5:00 p.m.

Mayor Rice announced that a number of non-profit organizations will have booths set up at the Celebration.

Council Member Ta wished a Happy Birthday to Council Member Quach and invited everyone to the Founder's Day Celebration. He also announced that he will be traveling to Washington D.C. with Mayor Rice and Council Member Quach.

Mayor Pro Tem Marsh expressed his gratitude to the friends of Janet Nguyen for paying the outstanding debt from the 2004 Tet Parade.

Mayor Pro Tem Marsh also spoke in regards to a recent incident that occurred between Senator Lou Correa and Senator Don Perata and encouraged the residents to phone or write to Senator Perata in regards to his unacceptable behavior.

Mayor Rice also expressed her feelings in regards to the incident that occurred and feels that letters of protest should be written to Senator Perata.

Council Member Quach suggested that the Council should collectively write a letter and have the residents sign it.

Mayor Rice agreed and announced that she would have the letter in the booth that she will be in at the Founder's Day Celebration.

## **5.2 AB 1234 Reports – None**

## **6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**

### **6.1 (Agency) Disposition and Development Agreement for Construction of Workforce Housing on Proposed Site at 280 Hospital Circle (502-01)**

**Motion was made by Agency Member Quach**, and seconded by Agency Member Fry, to authorize staff to prepare a Disposition and Development Agreement subject to Agency approval with AMCAL Multihousing. The motion carried by a 5-0 vote.

Vice Chair Marsh stated that he has significant concerns in regards to this matter on traffic and parking. He would like to have the incoming City Manager, Ray Silver review this item in more detail.

### **6.2 (City/Agency) Redevelopment Agency Funding of a New Building for the Greater Westminster Chamber of Commerce (702-09)**

Mayor Pro Tem/Vice Chair Marsh requested that staff look into having a temporary location for the Chamber of Commerce at City Hall in the mall during the construction. He also would like to explore the option of having space available for the Chamber of Commerce when needed on a long term basis.

Council/Agency Member Fry commended the Chamber of Commerce for the work they do and agree that they need a new facility.

**Motion was made by Council/Agency Member Fry**, and seconded by Mayor Pro Tem/Vice Chair Marsh, to authorize staff to proceed with the preparation of the preliminary documents subject to City/Agency approval that will allow the Agency to pay for the demolition of the existing building and construction of a new building. The motion carried by a 5-0 vote.

### **6.3 Membership in Southern California Association of Governments (502-19)**

**Motion was made by Council Member Ta**, and seconded by Council Member Fry, to join the Southern California Association of Governments (SCAG), direct staff to return with the Joint Powers Agreement necessary to join, and authorize an expenditure of \$7,893 for dues for membership. The motion carried by a 5-0 vote.

Vivian Kirkpatrick-Pilger, Westminster resident, spoke in regards to SCAG and expressed her feelings of how she does not agree with the way SCAG dictates to the City what the population and housing density should be.

Mayor Rice stated that the City needs to be more involved and will gain from its membership in the long run.

**6.4 (City/Agency) Consideration of an alternative date for the Regular Council/Agency meeting of Wednesday, May 23, 2007. (103-08)**

**Motion was made by Mayor Pro Tem/Vice Chair Marsh**, and seconded by Council/Agency Member Ta for the Regular Meeting to be held on May 30, 2007. The motion carried by a 5-0 vote.

**6.5 Purchase of Police Department Tactical Response/Special Service Vehicle (502-22)**

Mayor Rice expressed her concern about purchasing vehicles outside of the City.

Captain Mitch Waller, Police Department, requested that an amendment be made to the amount of the grant issued from the State of California, Office of Homeland Security, from \$35,250.33 to \$47,287.50. He also requested that the bid price of the vehicle remain unchanged at \$27,750.33 and increase the available funds for emergency equipment to \$19,537.17.

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

- 1) Approve a purchase order to Villa Ford in the amount of \$27,750.33 to purchase one full-size Sport Utility Vehicle;
- 2) Approve a revenue increase to the fiscal year 2006-07 budget for the State of California, Office of Homeland Security Grant in the amount of \$47,287.50 for the purchase of the vehicle (\$27,750.33) and related safety/emergency equipment including emergency lighting and siren (\$19,537.17); and
- 3) Approve an appropriation of \$27,750.33 – vehicle purchase and \$19,537.17 – emergency equipment) to the Equipment Replacement Fund – Motor Pool Account.

The motion carried by a 5-0 vote.

**6.6 Request from Vietnamese American Community of Southern California for the City to install the Vietnamese Heritage Flags and American Flags in Westminster (203-02)**

Timothy Chi Ngo, Vietnamese American Community of Southern California, asked permission from the City of Westminster and Garden Grove to help with the cost of hanging the flags. He also requested that the flags be displayed from April 21 – May 6, 2007 and that the Cities make this event a routine occasion.

Discussion ensued relative to how many days the flags would be hung.

Mr. Ngo informed the Council that the approximate cost of hanging the flags would be \$3,000. He asked if the Cities of Westminster and Garden Grove would be interested in making a nice gesture to the Vietnamese Community by splitting the cost 50/50.

Council Member Quach expressed that the City of Westminster does recognize the flag and it's meaning. He stated that last year the City took it upon itself to be the applicant to put the flags up after the misunderstanding with Southern California Edison. He also said that during this time when the community is supposed to be remembering the fall of Saigon, everyone is instead arguing on who is going to pay the fees for the hanging of the flags. He would like to see that there be a policy as it relates to this special time of year be created so that the groups do not have to take the time and come to Council, and have it be approved from now on.

Council Member Quach suggested that he could help raise the funds to hang the flags for this year and the years ahead.

Mayor Rice said that she would like to help raise the funds as well by going out and getting donations.

Mayor Pro Tem Marsh explained that he feels it would be a mistake for the City to bare someone else's expense, just as it would be a mistake for the City to waive it's protections from liability. He feels comfortable with the flag placement company that was used last year, because they had good solid insurance. He stated that the City needs the protection. Mayor Pro Tem Marsh also likes the idea of the flags being hung under the same terms as last year. He feels that they should be displayed for ten days.

Council Member Ta stated that he would like to help Council Member Quach raise the money for the flags. He also suggested that the Council approve the request for this year and next year, so the group does not have to return next year.

Dick Jones, City Attorney, responded by saying that staff can come back with a policy statement to Council saying that the City will sponsor the placing of the flags subject to funding being available through the community and appropriate insurances. He said that would eliminate the necessity of the group coming back every year.

**Motion was made by Council Member Fry**, and seconded by Mayor Pro Tem Marsh, to deny the groups request for City funds to install the flags on street light poles, but allow the group to pay the fees to coordinate the project with the City's

current banner installation company and that all insurance and other protections are provided as was handled last year, and that it be for a period of ten days and that the applicant be able to select the dates. The motion carried by a 5-0 vote.

**6.7 Professional Services Agreement for Ambulance Transportation Services (502-19)**

Paul Espinoza, Finance Director gave a brief description of the item and informed the Council that the City is in the process of preparing a formal bid procedure with a Request for Proposals. He stated that there is an addendum agreement that includes the Orange County Fire Authority as a third party to the agreement waiting to be approved at the Orange County Fire Authority meeting on March 28, 2007.

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

- 1) Approve an agreement with Shoreline Ambulance in an amount not to exceed \$149,853 for the period of March 15, 2007 through June 30, 2007; and
- 2) Authorize an appropriation of \$100,000 to Ambulance Transportation Services – Contractual Other.

Mayor Pro Tem Marsh expressed his concerns of Shoreline Ambulance being a newer entity with a limited track record.

Bryan Balmer and Giovanni Chirella, owners of Shoreline Ambulance informed the Council that they have 30 years experience between the both of them. They also informed the Council that they have recently become the 9-1-1 service back-up provider for the Huntington Beach Fire Department and that they have hired eleven out of twelve of the EMT's that were previously employed by AMR.

Phil Anthony, Westminster resident and representative of CARE Ambulance, addressed his concerns on whether or not there will be another Request for Proposals for long-term ambulance services after this short-term agreement expires.

The Council and City Attorney stated that there will be a Request for Proposals for long-term ambulance services.

The motion carried by a 5-0 vote.

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

**8. LEGISLATIVE ITEMS – None**

**9. COMMISSION AND COMMITTEE ITEMS**

**9.1 Appointments to the City's Energy Committee (104-07)**

**Motion was made by Mayor Rice**, and seconded by Mayor Pro Tem Marsh to appoint Phil Hodgetts (as Mayor Rice's appointee) to the Energy Committee for a term ending in November, 2008. The motion carried by a 5-0 vote.

**9.2 Appointments to Commissions and Committees (deferred from the February 28, 2007 meeting) (104-00)****Area Variance Committee**

Appointment to the Area Variance Committee was deferred.

**Commission on Aging**

**Motion was made by Mayor Pro Tem Marsh**, and seconded by Council Member Ta, to appoint Ginger Waugh-Borden as an alternate member (as Mayor Pro Tem Marsh's appointee) to the Commission on Aging, for a term ending in November, 2008. The motion carried by a 5-0 vote.

**Cultural Arts Commission**

Appointments to the Cultural Arts Commission were deferred.

**Financial Review Committee**

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Marsh, to appoint John Stupar as a member (as Council Member Quach's appointee) to the Financial Review Committee, for a term ending in November 2008. The motion carried by a 5-0 vote.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Marsh, to appoint Owen Eames as a member (as Council Member Quach's appointee) to the Financial Review Committee, for a term ending in November 2008. The motion carried by a 5-0 vote.

**Mobile Home Commission**

Appointments to the Mobile Home Commission were deferred.

**9.3 Commission and Committee Orientation (104-00)**

**Motion was made by Council Member Ta**, and seconded by Council Member Quach, to select Thursday, April 26, 2007 for the Commission and Committee Members Orientation Meeting. The motion carried by a 5-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:25, Mayor/Agency Chair Rice adjourned the meeting in memory and honor of Pastor Ron Stephens. He was the Pastor of Foursquare Church and a former Police Chaplain for the City.

  
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Amanda Jensen, Deputy City Clerk/  
Agency Secretary