

"Approved by the City Council/Redevelopment Agency Board on May 9, 2007."

CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF THE REGULAR MEETING

WESTMINSTER, CALIFORNIA  
April 25, 2007

The City Council/Agency Board of the City of Westminster, California convened on April 25, 2007 at 6:06 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: MARSH, FRY, QUACH, TA  
ABSENT: RICE

**CLOSED SESSION:**

The City Council/Redevelopment Agency recess to a Closed Session at 6:06 p.m. for the following purposes:

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

**RECESS:** At 6:58 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 7:10 p.m. in the Council Chambers.

Mayor Pro Tem Marsh stated that Mayor Rice was unable to attend the meeting, and that he would Chair the meeting in her absence.

PRESENT: MARSH, FRY, QUACH, TA  
ABSENT: RICE

**SALUTE TO FLAG:** Led by the City Attorney

**INVOCATION:** Led by Council Member Quach

**REPORT OUT OF CLOSED SESSION:** None

**SPECIAL PRESENTATIONS:**

- A Ben Wong, Regional Public Affairs Manager for the League of California Cities, presented the Helen Putnam Award of Excellence plaque to the City. The award was given to the City in 2006 for Intergovernmental Relations recognizing the innovative multi-government center in Westminster.
- B. A proclamation declaring May 6-12, 2007 as Building Safety Week in the City was presented to Building Official Soroosh Rahbari and his staff. (115-00)
- C. Interval House Director of Program Sharon Wie, Interval House Community Education Director Janine Limas, and Interval House Advocate Mary Ann Lam Bui, presented at check in the amount of \$10,000 to the City. Interval House helps families victimized by domestic violence.
- D. Steve Brown, Manager of the National Electrical Contractors Association, Doug Mangione, International Brotherhood of Electrical Workers, and Horst Weiler, Snowden Electric Company presented the Award for Electrical Excellence to the City for work done at The Rose Center

**1. CONSENT CALENDAR**

**ROUTINE MATTERS**

- 1.1 Proclamation declaring May 7, 2007 as World AIDS Orphans Day in the City of Westminster. (115-00)**

ACTION: Approved.

- 1.2 Computer Replacement Program – Purchase of Desktop Computers. (502-07)**

ACTION: The Mayor and City Council approved a purchase order in the amount of \$46,000 to Gateway for the purchase of 35 desktop computers.

- 1.3 Notice of Completion for Work Performed by A.J. Fistes for Exterior Painting of Selected Areas at the Westminster Civic Center – Project No. 75502-024007, and Authorization to Increase the Purchase Order. (502-01)**

ACTION: The Mayor and City Council:

- 1) Approved an increase to the purchase order with A. J. Fistes by \$600.00 for additional miscellaneous painting in the Civic Center areas; and

- 2) Accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

**1.4 Award of Contract for a Renewable Maintenance/Service Agreement for Striping at Various Locations. (502-03)**

ACTION:: The Mayor and City Council awarded a contract to the low qualified bidder, California Traffic Maintenance in the amount of \$52,766.05; rejected all other bids; and authorized the City Manager to execute the contract on behalf of the City.

**1.5 Award of a Renewable Bid for Procurement of Cold Water Meters/Positive Displacement 5/8"-2" with Touch Read Pad for FY 2006-2007. (502-08)**

ACTION: The Mayor and City Council authorized a purchase order to Hersey-Meters in the amount of \$553,157.81 for the procurement of Cold Water Meters/Positive Displacement 5/8"-2" with Touch Read Pad.

**1.6 Increase in Purchase Order for Range Ammunition. (106-00)**

ACTION: The Mayor and City Council authorized a \$7,150 increase in the purchase order with Dooley Enterprises, Inc. for the purchase of range ammunition used for firearm qualification.

**1.7 Award of Bid for Production of 50<sup>th</sup> Anniversary Police Uniform Badges for FY 2007-2008. (106-00)**

ACTION: The Mayor and City Council authorized a purchase order be issued to V & V Manufacturing in an amount not to exceed \$22,000 for the production of 50<sup>th</sup> Anniversary police uniform badges.

**1.8 Renewal of Contract for Police and Animal Control Uniforms for FY 2007-2008. (502-07)**

ACTION: The Mayor and City Council authorized a purchase order to Galls Inc. in the amount of \$40,000 for the second year option renewal of a three year contract for police and animal control uniforms.

**1.9 Increase to Purchase Order for Police Related Blood Test Services for FY 2006-2007.(502-03)**

ACTION: The Mayor and City Council authorized an increase to the purchase order with California Forensic Phlebotomy, Inc. in the amount of \$10,000 for police related blood test services.

**1.10 Renewal of Contract for Police Related Blood Test Services for FY 2007-2008. (502-03)**

ACTION: The Mayor and City Council authorized a purchase order be issued to California Forensic Phlebotomy, Inc. in an amount not to exceed \$40,000 for police related blood tests services.

**1.11 Renewal of Contract for 800 MHz Radio Maintenance for FY 2007-2008. (106-00)**

ACTION: The Mayor and City Council authorized a purchase order with the Orange County Sheriffs' Department Communication Division in an amount not to exceed \$30,000 for the second year option renewal of a three year contract for radio repair services.

**1.12 Third Option Year Renewal of Contract for Municipal Parking Citation Processing, Payment and Adjudication Services. (502-20)**

ACTION: The Mayor and City Council authorized a purchase order in an amount not to exceed \$38,000 to Turbo Data Systems, Inc. for Police Department parking citation processing, payment and adjudication services.

**ADMINISTRATIVE ITEMS**

**1.13 Special Event Permit application from Blessed Sacrament Church to hold their annual procession honoring the Blessed Mother on Sunday, May 6, 2007 between the hours of 1:00 p.m. until 3:00 p.m. The event will take place on Olive Street, from Hazard Avenue to Blessed Sacrament Church, near Westminster Boulevard. Applicant estimates the attendance will be 250 people. (213-02) (BL)**

ACTION: The Mayor and City Council waived the \$100.00 Special Event Permit fee and approved the Special Event Permit application subject to the conditions attached to the staff report.

**1.14 Special Event Permit application from Blessed Sacrament Church to hold its Annual Festival on May 18, 2007 from 5:00 p.m. until 11:00 p.m., May 19, 2007 from 12:00 noon until 11:00 p.m. and May 20, 2007 from 12:00 noon until 10:00 p.m. The church is located at 14072 Olive Street, Westminster. Applicant estimates the attendance will be 3,000-5,000 participants. The applicant has requested that a special bingo permit in conjunction with their annual Parish Festival be granted, so bingo can be played during the Festival on Saturday, May 19<sup>th</sup> and Sunday, May 20<sup>th</sup> from 2:00 p.m. until 8:00 p.m. (213-02) (BL)**

ACTION: The Mayor and City Council waived the \$100 Special Event Permit fee and approved the Special Event Permit application subject to the conditions attached to the staff report.

**WARRANT REGISTER**

- 1.15 (City Council/Redevelopment Agency) Warrant Register dated April 4 through 17, 2007. (103-09)**

ACTION: Approved.

**INFORMATION AND REPORTS**

- 1.16 Minutes of the Planning Commission meeting held March 7, 2007. (104-11)**

ACTION: Approved.

**Motion was made by Council/Agency Member Ta, seconded by Council/Agency Member Quach to approve the Consent Calendar as presented. The motion carried by a 4-0 vote. (Mayor Rice absent)**

**END OF CONSENT CALENDAR**

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**2. ORAL COMMUNICATIONS**

Phil Hodgetts, Energy Committee member, spoke about electric lawnmowers that can be purchased at a low cost by trading in your gas lawnmower.

Timothy Ngo, on behalf of the Vietnamese American Community of Southern California, invited everyone to celebrate Black April on April 28th at Freedom Park. He thanked the City Council for their approval to hang the U.S. and Vietnamese flag for 10 days on certain streets in the City.

Irma Hernandez, resident of Westminster, urged that the City Manager be directed to talk to the Superintendent of the Huntington Beach Union High School District so that part of the \$10 million in bond monies that the School District will be receiving can be used for a pool and aquatic center at Westminster High School. She said this is a great joint use opportunity with the School District to have an aquatic facility. Need to find if opportunity for same ability in city.

Sharie Moody, resident of Westminster, stated that her dog has been in custody for over four months for biting a person in her home. She asked that this matter be re-evaluated, as she intends to go to the Superior Court.

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

#### 3.1 The actions of the Planning Commission meeting held on April 18, 2007

RECOMMENDATION: The City Council reviewed the items of the Planning Commission meeting of April 18, 2007.

- 1) Case No. 2006-87 (Continued from 4/4/2007) Conditional Use Permit for an ABC type 41 license in conjunction with an existing restaurant. Location: 14541 Brookhurst Street, Suites B5 and B6. (Café Luc Huyen Cam).
- 2) Case No. 2006-106 Variance request to install a 300 square foot north-facing wall sign. Location: 13031 Goldenwest Street. (Harley-Davidson of Westminster).
- 3) Case No. 2007-02 Conditional Use Permit for an ABC type 41 license in conjunction with an existing restaurant. Location: 15430 Brookhurst Street. (Cajun Corner).
- 4) Case No. 2007-13 Conditional Use Permit for an ABC type 41 license in conjunction with an existing restaurant. Location: 15440 Beach Boulevard, #118. (West Coast Seafood Buffet).
- 5) Case No. 2006-75 Site Plan and Design Review for new 8,755 square-foot apartment development consisting of 4 units on an 11,475 square-foot lot. Location: 7822-7844 14<sup>th</sup> Street.

**Motion was made by Council Member Quach, seconded by Council Member Ta to receive and file the report from the Planning Commission meeting of April 18, 2007. The motion carried by a 4-0 vote.**

### 4. PUBLIC HEARINGS

#### 4.1 **APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2006-49 (TENTATIVE PARCEL MAP, SITE PLAN REVIEW, AND DESIGN REVIEW); LOCATION: 14241 PACIFIC AVENUE; APPLICANT: BON HOANG, AUTHORIZED AGENT FOR ALAN LEE, PROPERTY OWNER OF RECORD; APPELLANT: ALAN LEE, PROPERTY OWNER OF RECORD (Continued from the April 11, 2007 Meeting. (201-00) (CN 2006-49)**

Planning Manager Art Bashmakian stated that this three unit project was approved by the Planning Commission. The applicant appealed the Planning Commission's decision, specifically asking that the City Council remove the condition that the project be redesigned so that the parking garages (at least on one street), the two units be oriented so that the driveway accessing the parking is towards the rear of the property, in order to make a design that is more

pedestrian friendly. The condition would ensure that the architectural design is maintained in character with the neighborhood.

The condition would create a pedestrian friendly design, as there would be fewer driveways to contend with. It would provide for more on-street parking with less driveway cuts, which is also safer because less driveways access the street. For these reasons, staff made the recommendation and the Planning Commission did approve the project with the subject condition. Subsequently, the applicant appealed the decision and is requesting that the City Council remove that condition. This matter was continued from the April 11, 2007 meeting as the adjacent property owner had not yet reviewed his neighbor's plan.

In response to Mayor Pro Tem Marsh, Mr. Bashmakian noted a subsequent mailing was done for this hearing.

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

Bon Hoang, applicant, presented a new design that he said provides almost 70% of landscaped frontage. He feels the proposed design is the best design for the project.

Alin Hamade, adjacent property owner, said he likes the new design but is concerned with the turning radius for parking.

Discussion ensued relative to the new design and elevations of the buildings.

Mayor Pro Tem Marsh expressed concern that staff had not had the opportunity to review the changes.

The City Manager suggested that the public hearing be continued so that staff can meet with both parties on the proposed design changes.

MAYOR PRO TEM MARSH 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 PRO TEM MARSH CLOSED THE PUBLIC HEARING.

**Motion was made by Council Member Quach**, seconded by Council Member Ta to defer the public hearing to the City Council meeting of May 9, 2007 at 7:00 p.m. The motion carried by a 4-0 vote.

#### 4.2 WEED ABATEMENT – SPRING, 2007 (618-01)

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

BEING THERE WAS NO ONE WISHING TO SPEAK IN FAVOR OF THE ITEM, MAYOR PRO TEM MARSH 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 PRO TEM MARSH CLOSED THE PUBLIC HEARING.

Council Member Fry asked the City Clerk if any written objections had been received, to which the City Clerk responded no.

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

- 1) Overrule any objections received for the abatement of the weeds, and
- 2) Adopt Resolution No. 4080 entitled, "A Resolution of the Mayor and 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 City Manager to have said weeds destroyed and to have rubbish and refuse removed as required by law", and waive further reading.

The motion carried by a 4-0 vote.

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

#### 5.1 Council/Agency Member Items

Council Member Fry announced that the Mayor's Ball is coming up soon, and Black April events will be held this weekend, so he encouraged everyone to pay their respects.

Council Member Quach said that this is an important weekend for the veteran community; however, he will be out of town this weekend. He announced the Westminster Police Officers' Association (WPOA) fundraiser this weekend, and urged contributions for the cause.

Council Member Ta encouraged everyone to try to attend both the Black April and WPOA fundraising event this weekend.

Mayor Pro Tem Marsh announced that the Orange County Chapter of the Freedom Foundation of Valley Forge will hold its annual event on Saturday from 2 p.m. to 4 p.m. in Corona del Mar. Two events will take place on Saturday at 6 p.m. – the Westminster Police Officers' Association fundraiser for the Police Officer Memorial and Black April will be commemorated at Freedom Park by the Vietnam War Memorial. The Police Officer Memorial groundbreaking will be held in the Sunken Garden of the Civic Center at 9 a.m. on Tuesday, May 1<sup>st</sup>. The Mayor's Prayers Breakfast will be held on Thursday, May 3<sup>rd</sup> at the Rose Center.

**5.2 AB 1234 Reports - None**

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

**6.1 Purchase of Equipment for the Police Department with Funds Seized Under the Department of Justice Asset Forfeiture Program. (105-12)**

**Motion was made by Council Member Quach**, seconded by Council Member Ta to increase the Police Seizure DOJ FY 2006-2007 budget by \$127,500, and authorize the transfer of funds from the Police Seizure DOJ Undesignated Unreserved Fund Balance to the Safety Equipment Account in the amount of \$127,500 to purchase safety/tactical equipment for the Police Department.

The motion carried by a 4-0 vote.

**6.2 Award of Bid for Procurement and Installation of 23 Light Bars and Siren Systems for the Police Department. (502-08)**

**Motion was made by Council Member Fry**, seconded by Council Member Ta to approve a budget transfer in the amount of \$78,714.91 from the Public Works Motor Pool Undesignated Unreserved Fund Balance Account to the Safety Equipment Account and authorize a purchase order to Hi Standard in the amount of \$78,714.91 for the procurement and installation of 23 Light Bars and Siren Systems for the Police Department.

The motion carried by a 4-0 vote.

**6.3 Award of Contract for a Renewable Maintenance/Service Agreement for Parks, Medians, Overpasses, and Related Landscape Services at Various Locations. (502-13)**

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

- 1) Authorize a budget adjustment in the amount of \$130,045.88 from the General Fund to Account No. 53000-43090; and

- 2) Approve the award of contract to the low qualified bidder, Midori Gardens in the amount of \$366,758.88 and authorize the City Manager to execute the contract on behalf of the City.

The motion carried by a 4-0 vote.

## 7. WRITTEN COMMUNICATIONS (Public)

- 7.1 **Request from The Rose Center Foundation for Financial Assistance from the City in the Amount of \$2,500 to Help Defray Expenses for the Mayor's Ball to be held on Saturday, June 23, 2007 at the Westminster Rose Center. (213-04)**

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

- 1) Approve the request from the Rose Center Foundation for financial assistance with the Mayor's Ball, in the amount of \$2,500. This is the same amount that was approved by the Mayor and City Council in FY 2005-06; and
- 2) Approve a budget transfer of \$2,500 from the General Fund Contingency Account to the Community Promotions Special Departmental Expenses Account.

The motion carried by a 4-0 vote.

## 8. LEGISLATIVE ITEMS

- 8.1 **Ordinance No. 2412 (First Reading) Authorizing the Execution of an Amendment to the Contract with the California Public Employees' Retirement System to Provide Section 21574 (Fourth Level of 1959 Survivor Benefits) for Local Police Members Only. (502-03)**

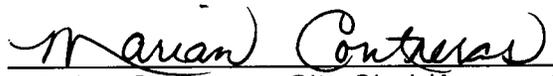
**Motion was made by Council Member Ta, seconded by Council Member Fry to introduce Ordinance No. 2412 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster authorizing an amendment to the contract between the City Council of the City of Westminster and the Board of Administration of the California Public Employees' Retirement System", and waive further reading.**

The motion carried by the following roll call vote:

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

9. **COMMISSION AND COMMITTEE ITEMS – None**

10. **COUNCIL/AGENCY ADJOURNMENT:** Mayor Pro Tem Marsh adjourned the meeting at 8:15 p.m. in memory of Kim Rohrabacher, brother of Congressman Dana Rohrabacher, to Thursday, April 26, 2007 at 6:00 p.m. at the Westminster Rose Center, 14140 All American Way, Westminster, California for the purpose of conducting the Board, Commission and Commission Orientation Meeting.

  
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Marian Contreras, City Clerk/Agency Secretary