

"Approved by the City Council/Redevelopment Agency Board on November 14, 2007"

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF THE REGULAR MEETING

WESTMINSTER, CALIFORNIA
October 10, 2007

The City Council/Agency Board of the City of Westminster, California convened on October 10, 2007 at 5:30 p.m. in an Adjourned Regular Meeting in the City Council Chambers, 8200 Westminster Boulevard, Westminster, California.

5:30 P.M.

CONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

CALL TO ORDER: Mayor Rice called the meeting to order at 5:34 p.m.

ROLL CALL

PRESENT: RICE, MARSH, TA, QUACH (arrived at 5:40 p.m.), FRY (arrived at 5:41 p.m.)

ABSENT: NONE

SALUTE TO FLAG: Richard Jones, City Attorney

The City Attorney noted the need to add a Closed Session item to the agenda at the conclusion of the presentation on the new police facility.

Motion was made by Mayor Pro Tem Marsh, seconded by Council Member Ta and carried by a 3-0-2 vote (Council Member Fry and Quach absent) to add the following item to Closed Session, as it was determined that the matter is of an urgent nature, arose subsequent to the posting of the agenda, and requires immediate action.

1. New Police Facility Program Update and Site Review.

Police staff present were Captain Mitch Waller and Chief Andrew Hall. The following staff from DMJM, architectural design and engineering services consultant, were present to provide the presentation: Cory Tickton, Architect, Mark Graves, Vice President and Robert Pankey, Project Manager. Cory Tickton provided Council with a PowerPoint presentation illustrating in full detail the three proposed schemes for the new police facility. Scheme No. One provided an inverted S shape or number two shape to the building. Scheme No. Two provided for two parallel bar buildings with open space in between. Scheme No. Three resembled a lower case q shaped building and referred to as a courtyard type building.

Mayor Pro Tem Marsh expressed concerns with the ground water table at the new facility. Mayor Rice spoke regarding the lack of parking for seniors at the Senior Center, especially the handicapped parking, and that 20 parking spaces is inadequate. Of the three schemes presented for consideration, the Mayor and City Council expressed interest in Scheme No. One that was presented. Mayor Pro Tem Marsh requested the issue of cost be addressed.

URGENT ITEM ADDED TO CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session at 6:48 p.m. in the Council Conference Room for the purpose of a Closed Session for a Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) re. Refrigerated Air Mechanical System (Westminster Rose Center)

RECESS: The Mayor and City Council recessed from Closed Session in the Council Conference Room at 7:00 p.m.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Rice reconvened the meeting at 7:05 p.m. in the Council Chambers.

ROLL CALL:

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

SALUTE TO FLAG: Mayor Pro Tem Marsh

INVOCATION: Council Member Quach

SPECIAL PRESENTATIONS:

- A. A proclamation was presented to the Planning Division staff declaring October, 2007 as Community Planning Month in the City of Westminster. (115-00) (07)

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS- None

REPORT OUT OF CLOSED SESSION

The City Attorney reported that the City Council voted unanimously to approve a settlement in the amount of \$33,000 for damages occurred to date was reached with Refrigerated Air Mechanical Systems, the HVAC contractor at the Westminster Rose Center, relative to mechanical and operational issues.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of September 12, 2007.**

ACTION: Approved.

ROUTINE MATTERS

- 1.2 Increase Purchase Order No. 004582 for Continued Remediation Work. (502-20)**

ACTION: The Mayor and City Council approved an increase of \$75,000.00 to Purchase Order #004582 with Telluris, Inc for continued remediation work at the Westminster Corporation Yard tanks site.

- 1.3 Amendment to the West County SWAT Memorandum of Understanding (502-23)**

ACTION: The Mayor and City Council approved the second amendment to the West County SWAT Protocol to add the City of Seal Beach/Seal Beach Police Department as a party, and authorized the Police Chief to execute the amendment on behalf of the City.

- 1.4 Amendment No. 1 to Consulting Services Agreement with Comprehensive Housing Services, Inc. to perform additional required services in FY 2007-08. (502-03)**

ACTION: The Mayor/Chair and City Council/Agency Board approved Amendment No. 1 to the Consulting Services Agreement with Comprehensive Housing Services, Inc. to provide additional services for a total amount not to exceed \$75,000, and authorized the City Manager/Executive Director to execute Amendment No. 1 on behalf of the City/Agency.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.5 Ordinance 2420 - An Ordinance of the Mayor and City Council of the City of Westminster amending Section 5.08.040 of Title 5 (Business Taxes, Licenses and Regulations) and Sections 17.02.030, 17.06.060 and 17.50.010 of Title 17 (Land Use) of the Westminster Municipal Code clarifying that no land, building, structure or premise shall be permitted to be used for any purpose prohibited by federal, state or local law or that would conflict with the Constitution and laws of California or the United States. (209-05)**

ACTION: The Mayor and City Council adopted Ordinance No. 2420 and waived further reading.

ADMINISTRATIVE ITEMS

- 1.6 Fee Waiver request from the Vietnamese Student Associations of Southern California to conduct a College Fair in the East/West room of the Community Services Building on October 14, 2007 from 11:00 a.m. until 5:00 p.m. (702-06)**

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

- 1.7 **Fee Waiver request from the Drug Foundation of Orange County, West Justice Center, to host a Holiday party for Westminster participants and their families in the East room of the Community Services building on December 19, 2007 from 11:00 a.m. until 2:00 p.m. (702-06)**

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

- 1.8 **Special Event Permit Application from the South Vietnamese Marines Association to hold a Memorial on Friday, November 2, 2007 between the hours of 4:00 p.m. and 9:00 p.m. (includes set up and clean up times) Th event will take place at Sid Goldstein Freedom Park, 14180 All Am rican Way, Westminster. Applicant estimates the attendance will be 500 p opl . (213-02) (VI)**

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

WARRANT REGISTER

- 1.9 **(City Council/Redevelopment Agency) Warrant Register dated September 19, 2007 through October 2, 2007. (105-09) (07)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.10 **Minutes of the Planning Commission meeting held September 5, 2007 (104-11)**

ACTION: Received and filed.

Motion was made by Council/Agency Member Fry, and seconded by Council/Agency Member Ta, to approve the Consent Calendar. The motion carried by a 5-0 vote.

**END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Judy Ahrens, a resident of Westminster, provided the history of Columbus Day and handed Council a letter she prepared for the Assistant Superintendent of the School on the importance of the history of Columbus Day. She urged Council to

work with the school district officials to support this type of history education for the students.

Darrell A. Nolta, resident of Westminster, spoke regarding his protest to the public bidding statutes used for the award of contract process to the ambulance provider at the September 26, 2007 City Council meeting. He commended the City Council for achieving success in providing the citizens of Westminster and the citizens of the County with a third ambulance. He voiced his concerns with the integrity of the process and with the lack of a third paramedic from the Orange County Fire Authority to provide Assisted and Basic Life Support treatments because the contract was not awarded to CARE Ambulance. Mr. Nolta requested that a requirement be added that notification of construction for work in public the public right-of-way be given to the residents and businesses impacted before the work begins.

Vu Dinh, Internal Vice President of the Vietnamese Student Associations of Southern California, thanked Council for the approval to waive the rental fees for the use of Community Services room for their college fair on October 14, 2007 and invited them to attend the event.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on October 3, 2007.

- 1) Case 2007-67 Conditional Use Permit. Application for a conditional use permit to allow for the sale of packaged beer and wine for off-site consumption at the new Target store within the Westminster Mall.
- 2) Case 2007-63 Conditional Use Permit. Request for an on-sale beer and wine (Type 41) license at an existing 1,280 square foot restaurant (Green Wasabi) Location: 9066 Bolsa Avenue.
- 3) Case 2007-02 Conditional Use Permit. Approval of Resolution approving the sale of beer and wine within an existing restaurant (Cajun Corner) Location: 15430 Brookhurst Street
- 4) Case 2007-77 Design Review. Request to install a pylon sign. Location: 15054 Moran Street

Motion was made by Council/Agency Member Quach, and seconded by Council/Agency Member Ta to receive and file Item Nos. 1-3. The motion carried by a 5-0 vote.

4. PUBLIC HEARINGS

4.1 VACATION OF AN ALLEY ADJACENT TO THE INTERSECTION OF GOLDENWEST STREET AND WESTMINSTER BOULEVARD ASSOCIATED WITH THE WALGREENS DEVELOPMENT AND TENTATIVE PARCEL MAP 2007-111 (412-07) and (201-00) (CN 2005-21)

Marwan Youssef, Public Works Director/City Engineer, provided a brief history of this project.

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

David D. Dunham, property owner, thanked staff for their efforts.

James Shuemaker, developer of the project, thanked staff for their efforts. He also stated that Walgreens had agreed to install the shopping cart perimeter restraint system.

Darrell A. Nolta, resident of Westminster, conditionally supports this item as he believes the City will benefit with the elimination of the alley; commended Council for the good job done on the signage; and said that the shopping cart problem is still an issue in the City.

Judy Ahrens, resident of Westminster, supports this item because the lot gets very dirty during the campaign season.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION OF THE ITEM. BEING THERE WERE NO SPEAKERS IN OPPOSITION, MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Mayor Pro Tem Marsh, and seconded by Council Member Ta to adopt Resolution No. 4113 entitled, "A Resolution of the Mayor and City Council of the City of Westminster, California approving the vacation of an alley relating to Tentative Parcel Map 2007-111", with the findings that the need for and utility of the alley and the City's easement has been eliminated due to the unification of all the parcels that previously benefited by the alley into a single parcel, and that it is inappropriate for the City to bear the expense of that alley that has been vacated. That responsibility is transferred to the unified property owner.

The motion carried by a 5-0 vote.

4.2 REVIEW OF CASE NO. 2007-23 (GENERAL PLAN AMENDMENT, ZONE CHANGE, TENTATIVE TRACT MAP, SITE PLAN, DESIGN REVIEW, VARIANCE), A REQUEST TO SUBDIVIDE A 2.56 ACRE PARCEL INTO 43 LOTS TO ALLOW FOR THE DEVELOPMENT OF 38 SINGLE-FAMILY RESIDENTIAL UNITS, A PRIVATE DRIVE AND ASSOCIATED IMPROVEMENTS LOCATED AT 7111 TRASK AVENUE (ASSESSOR'S PARCEL NUMBER 096-031-23); APPLICANTS: MARK WHITEHEAD FOR BRANDYWINE HOMES; PROPERTY OWNER: CALVARY CHAPEL WESTGROVE, INC. (201-00) (CN 2007-23)

Art Bashmakian, Planning Manager, presented a PowerPoint presentation and provided a brief history of the subject project.

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

Mark Whitehead, Brandywine Homes, thanked the Mayor and Council Members for allowing them the opportunity to come build in the City of Westminster.

Jim Barisic, owner of Brandywine Homes, thanked the Mayor and Council Members for the opportunity to develop in the City of Westminster. He stated that the development has taken about a year and half and they feel that they have crafted something that is aesthetically pleasing, meets the City's development codes, fits in the marketplace and will bring in a new type of homeowner into the community. This was their first opportunity to build in the City of Westminster, but they have spent the last 36 years building in Orange County. He believes that this project is very well thought out and that it adds to the community.

Donna Chessen, Chessen and Associates, provided a brief history of Brandywine Homes the developer and the project. She thanked staff for their help with the project.

Gail Eastman, Chessen and Associates, stated that she worked in the neighborhood and that the neighbors were in full support of this project.

Mike Antenese, Pastor of Calvary Chapel WestGrove, provided a brief history of the property that they sold for the Brandywine Home development project. He spoke in full support of the project.

Dale Washington stated that he likes this project because it is single-family homes and not condominiums.

Darrell A. Nolta, resident of Westminster, spoke in support of the project but expressed the following concerns: he does not like the idea of a private drive; was uncertain whether it would be a gated community; more trees should have been allotted for the project, the accessibility to the public open space and the variance of the nine foot wall; and the accessibility of emergency vehicles to the development.

IN REBUTTAL:

Jim Barisic, stated that they shy away from gated communities and that was the case in this project. The drive access fully meets or exceeds all Orange County Fire Authority requirements. The fence variance is an aesthetic design for the pilasters. They are aware of the City's tree requirement and believe it is very important to have attractive landscaping when developing a new community. There is a public common area of open space that can be used by all.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Pro Tem Marsh was very pleased with the modern density detached product. The private drive makes the owners responsible for repaving their street. In the future, he would like new development projects to provide for driveways.

Council Member Quach thanked the developer for working with the neighborhood and addressing their concerns.

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

- 1) Adopt Resolution No. 4114 entitled: "A Resolution of the Mayor and City Council of the City of Westminster adopting a Mitigated Negative Declaration related to Case No. 2007-23 and approving said case involving a General Plan Amendment to the Land Use Designation of the site (change from Public/Semi Public to Residential High), Tentative Tract Map, Site Plan, Design Review and Variance applications for the subdivision of a single 2.56 acre parcel to accommodate 38 new detached, single-family residential units, a private drive and associated improvements at 7111 Trask Avenue (Assessor's Parcel Number 096-031-23).
- 2) Introduce Ordinance 2422 entitled: "An Ordinance of the Mayor and City Council of the City of Westminster amending the official City of Westminster Zoning Map to provide for a change of zoning (Case No. 2007-23) for the subject site (7111 Trask Avenue) from R3 (Multiple Units, Thirteen to Fourteen Units Per Acre) District to R-4 PD (Multiple Units, Fifteen to Eighteen Units Per Acre) District, Planned Development Overlay District", and waive further reading.

The motion carried by a 5-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Ta thanked staff for working very hard in the organization of the ULI panel to study the Little Saigon Development. He and Council Member Fry participated in a Japanese Tea Ceremony held on Sunday, October 7, 2007.

Mayor Pro Tem Marsh informed Council that at McFadden and Gothard the Coast Community College District and the City of Huntington Beach have plans to build hundreds of apartments and a Costco. He stated that in 2000 the Coast Community College District promised the members of this Council and the City of immediate notification if they had any intentions for that property. Since they did not notify the City of their current plans, he asked Council to support his proposed resolution opposing these developments, which will be presented at the next Council meeting.

Council Member Fry reported that he was in Portland at the NATOA Conference, along with the City Cable TV Production Supervisor and learned about new fiber optics. He stated that new buildings should have fiber not copper coaxial cable. He further spoke of the Smithsonian exhibit in the City of Garden Grove on the Vietnamese people leaving Saigon in 1975.

Council Member Quach requested that staff work with the cable company to have them provide fiber cable instead of copper cable to future developments so that it will be easier to upgrade to that system when it becomes available.

Mayor Rice thanked the Council Members for covering for her during her vacation. She thanked Marwan Youssef for the great job he is performing as Acting City Manager, and invited the public and staff to attend the Kiwanis Breakfast on October 18, 2007 at the Rose Center.

- 5.2 **AB 1234 Reports** – Council Member Fry spoke about his recent trip to Portland, Oregon to attend the NATOA Conference.

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

- 6.1 **Change Order for Additional Work at Rancho Road. (502-01)**

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Marsh to authorize a change order in the amount of \$14,960 to the contract with All American Asphalt for the Rancho Road Widening project.

The motion carried by a 5-0 vote.

- 6.2 **Award of Contract for Maintenance/Service Agreement for Concrete and Related Street Repairs at Various Locations. (502-14)**

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Marsh to award a contract to Nobest, Incorporated in the amount of \$610,550.00; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City.

The motion carried by a 5-0 vote.

7. **WRITTEN COMMUNICATIONS (Public)**

Mayor Pro Tem Marsh read a letter that the Council received from Marge Swenson thanking them for the use of the Rose Center for the Sondra Evans Memorial Ceremony.

Motion was made by Council Member Fry, and seconded by Council member Quach to receive and file the letter.

The motion carried by a 5-0 vote.

8. **LEGISLATIVE ITEMS**

- 8.1 **Ordinance 2421 (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**

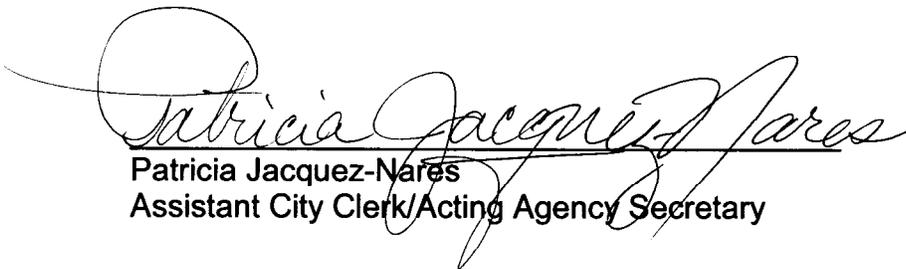
Benefits) and Section 21354.4 (2.5% @ Age 55 Full and Modified Formula) for Local Miscellaneous Members Only. (502-03)

Motion was made by Council Member Fry, and seconded by Council Member Ta to introduce Ordinance No. 2421 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 a 5-0 vote.

9. COMMISSION AND COMMITTEE ITEMS – None

- 10. COUNCIL/AGENCY ADJOURNMENT:** At 8:36 p.m., Mayor/Agency Chair Rice adjourned the meeting in memory of Sergeant Marcus Frank of the Westminster Police Department, who passed away October 10, 2007.



Patricia Jacquez-Nares
Assistant City Clerk/Acting Agency Secretary