

"Approved by the City Council/Redevelopment Agency Board on February 13, 2008"

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF AN ADJOURNED REGULAR MEETING

WESTMINSTER, CALIFORNIA
January 30, 2008

The City Council/Agency Board of the City of Westminster, California convened on January 30, 2008 at 6:35 p.m. in an Adjourned 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, QUACH, MARSH, TA
ABSENT: FRY

URGENT ITEM

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to bring an item on to the agenda as an urgent item, as the matter arose subsequent to the posting of the agenda, and requires immediate action.

The motion carried by a 4-0-1 vote.

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case)

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purpose:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) re. Architectural Services for Westminster Rose Center.

RECESS: At 6:55 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 7:05 p.m. in the Council Chambers.

ROLL CALL

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

SALUTE TO FLAG: Mayor Pro Tem Quach

INVOCATION: Council Member Marsh

REPORT OUT OF CLOSED SESSION:

The City Attorney stated that the City Council authorized a settlement with respect to CO Architects and the ongoing problems with the HVAC system in the Rose Center. He stated that the City Council will enter into an agreement in which the City will terminate any financial obligation to pay CO Architects any sum due to them. The City Attorney explained that there is currently \$35,000 plus an additional oral claim in the amount of approximately \$60,000 owed at this time. CO Architects would waive the right to collect the outstanding amount or any other amount in the future in exchange for a settlement that would say the City would retain all other funds currently held by the City for this construction project.

SPECIAL PRESENTATIONS

- A. Delma Salmeron, Family Resource Center Supervisor gave a brief presentation on the Family Resource Center Facility and the services they provide to the community.

Mayor Rice and the City Council presented a Certificate of Congratulations to Delma Salmeron for her promotion to Supervisor of the Family Resource Center.

The City Clerk Announced Late Communications

The City Clerk announced Late Communications regarding agenda items that had been received in the City Clerk's office following the distribution of the agenda packet:

Consent Calendar**Item No. 1.12**

A redlined version of revised changes to the Agreement by and between the Vietnamese Heritage and Cultural Foundation of America (also known as the TET Parade Foundation) and the City of Westminster.

Matters from City Manager/Executive Director**Item No. 6.1**

A PowerPoint Presentation on the International Billiards Investigative Overview by the Westminster Police Department Special Investigations Unit.

1. CONSENT CALENDAR**ROUTINE MATTERS****1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of January 23, 2008.**

ACTION: Approved.

1.2 Claims Against The City (119-02)

ACTION: The Mayor and City Council denied claims against the City from:

- a) Automobile Club on behalf of Datu Buenaventura in the amount of \$9,035.69.
- b) Jennie Mai in the amount of \$1,000.00.
- c) Gaylord Daney in an unknown amount.

1.3 Agreement No. D07-164 with the County of Orange for Proposition 42 City Aid Program for Fiscal Year 2008-2009 (502-15)

ACTION: The Mayor and City Council approved the subject agreement and authorized the Mayor to execute the agreement on behalf of the City.

1.4 Amendment No. 2 to Professional Engineering Services Agreement for Street Improvements on Arizona Street between Westminster Boulevard and Hospital Circle, the Alley from Arizona Street to end, and Old Edwards Street between Edwards Street and Industry Way (502-14)

ACTION: The Mayor and City Council approved Amendment No. 2 to the Professional Engineering Services Agreement with Norris Repke in the amount of \$3,450.00, and authorized the City Manager to execute the amendment on behalf of the City.

1.5 Amendment No. 1 to New Water Meter Installation and Meter Exchange Program City-Wide FY 2006/07 Contract (502-01)

ACTION: The Mayor and City Council approved Amendment No. 1 to the New Water Meter Installation and Meter Exchange Program City-Wide – FY 2006/07 Contract with Atlas Allied in the amount of \$200,000.00, and authorized the City Manager to execute the amendment on behalf of the City.

1.6 Acceptance of Final Tract Map No. 16528 for 7861 23rd Street (201-01 TM)

ACTION: The Mayor and City Council accepted Final Tract Map No. 16528 and authorized the City Clerk to sign and seal the map.

1.7 Acceptance of Easement Deed for 6501 Trask Avenue (401-20)

ACTION: The Mayor and City Council accepted the easement deed for the subject property and authorized the City Clerk to record the easement deed with the County Recorder's Office.

1.8 Award of Contract for Street Improvement Project at Various Locations – Project No. CTB 05-06-07 (502-01)

ACTION: The Mayor and City Council approved the award of contract to the low qualified and responsive bidder, All American Asphalt in the amount of \$1,118,373.00; reject all other bids; and authorized the City Manager to execute the contract on behalf of the City.

1.9 Notice of Completion for Median Island Improvements for Westminster Boulevard from Beach Boulevard to Bushard Street – Project No. P-2126 – Federal Aid Project No. RPSTPLE-5338(032) (502-19)

ACTION: The Mayor and City Council accepted the work performed by Sequel Contractors, Inc. on the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.10 Agreement for Construction and Maintenance of a Storm Drain Line along Newland Street from Westminster Blvd. to the County Flood Control Channel (502-07)

ACTION: The Mayor and City Council approved the subject agreement with the City of Garden Grove and authorized the City Manager to execute the agreement on behalf of the City.

1.11 Cooperative Agreement No. C-6-0830 for City-Initiated Transit Extensions to Metrolink (502-15)

ACTION: The Mayor and City Council approve Cooperative Agreement No. C-6-0830 between the City of Westminster and the Orange County Transportation Authority and authorize the Mayor to execute the agreement on behalf of the City.

1.12 Agreement for the City to Provide Limited Financial Support for the 2008 TET Parade (502-22)

ACTION: The Mayor and City Council approved an agreement with the Vietnamese Heritage and Cultural Foundation of America to provide for limited financial support for the 2008 TET Parade and authorized the City Manager to execute the agreement on behalf of the City.

ORDINANCES (SECOND READING)/RESOLUTIONS**1.13 Resolution No. 4137 – A Resolution of the Mayor and City Council of the City of Westminster Granting an Appeal of the Planning Commission’s Denial of a Request to Allow the Sale and Consumption of Beer and Wine (Alcoholic Beverage Control Type 41 License) at an Existing Restaurant (El Taco Grill), Located at 8481 Heil Avenue, #H (Assessor’s Parcel Number: 107-511-01) (Case No. 2007-71). Applicant/Appellant: Jorge M. Navarro; Property Owner: Tai Hong. (201-00) (CN2007-71)**

ACTION: The Mayor and City Council adopted Resolution No. 4137.

ADMINISTRATIVE ITEMS**1.14 Annual Fee Waivers for Community Groups/Non-Profit Organizations. (702-06)**

ACTION: The Mayor and City Council approved a blanket request for fee waivers from community groups/non-profit organizations for use of City facilities for Calendar year 2008, as referenced in Exhibit “A” attached to the staff report.

1.15 Facility Use Request – Westminster Chapter of the Barbershop Harmony Society. (702-06)

ACTION: The Mayor and City Council approved the use of the East/West room for the Westminster Chapter of the Barbershop Harmony Society’s weekly rehearsals.

WARRANT REGISTER

- 1.16 (City Council/Redevelopment Agency) Warrant Register dated January 9 through 22, 2008. (105-09)(08)

ACTION: Approved.

INFORMATION AND REPORTS

- 1.17 Minutes of the Commission on Aging meeting held November 12, 2007 (104-03)

ACTION: Received and filed.

- 1.18 Minutes of Traffic Commission meetings held on November 27 and December 25, 2007 (104-12)

ACTION: Received and filed.

- 1.19 Treasurer's Report – December 2007 (105-08) (08)

ACTION: Received and filed.

Motion was made by Mayor Pro Tem/Vice Chair Quach, and seconded by Council/Agency Member Ta to approve the Consent Calendar. The motion carried by a 4-0-1 vote.

END OF CONSENT CALENDAR

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to bring Item 6.1 forward on the agenda at this time. The motion carried by a 4-0-1 vote.

- 6.1 **Appeal of Police Permit Revocation for International Billiards - 6328 Westminster Boulevard (805-06)**

The City Attorney gave a brief description of the item and explained that he has spoken to the Attorney for International Billiards and explained that both parties have come to an agreement to meet with City staff in hopes to develop a Conditional Use Permit to work out potential conditions that will allow the business to reopen. If the issue is not resolved during the next two weeks, the issue will be heard at the February 13, 2008 meeting.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to continue the item until February 13, 2008. The motion carried by a 4-0-1 vote.

2. ORAL COMMUNICATIONS

Sean Devine, Westminster Chapter of the Barbershop Harmony Society thanked the Mayor and City Council for approving the use of the East/West room for their weekly rehearsals.

Judy Ahrens, Westminster resident said that she is happy to have been appointed to the Rose Center Foundation and would like to see a standing policy put into place for advertising in the water bills. She also spoke in regards to the North American Union. She gave a copy of an article by Tom DeWeese to the City Clerk for distribution to the City Council.

Vivian Kirkpatrick-Pilger, Westminster resident announced an upcoming fundraiser for the Westminster Rose Center called "Retrospect, The Best of the Rose" which will be held on February 8th, 9th and 10th. She also asked the City Council if the Rose Center Foundation could use a 1/3 page flier that would announce upcoming events at the Rose Center in the water bill. She suggested that there be a standing policy put into place that allows the Foundation to advertise through the water bill without coming to Council each time they want to.

Mayor Rice suggested that the Council discuss with staff the options of additional fliers in the mailings. She also said that the Finance Director needs to access the situation and see what the extra costs would be.

Ray Silver, City Manager agreed that the item needs to be added to the agenda for Council discussion and approval. He said that it could be added to the February 13, 2008 agenda and at that time the Finance Director could explain the costs of doing such an advertisement.

Mayor Rice stated that the Rose Center Foundation needs assistance with advertising for upcoming events, especially the "Beautiful Dreamer" which will be held on April 4, 2008.

Darrell Nolta, Westminster resident spoke in regards to the water rate increase and the notification of the paramedic subscription program. He informed the City Council that 40% of Westminster residents live in apartment complexes in which they don't receive water bills. He feels that that percentage of residents needs to be informed somehow on the paramedic subscription program that they can sign up for. Mr. Nolta urged the City Council to waive the paramedic subscription fee for residents that reside in apartments.

Mayor Pro Tem Quach directed WTV3 to advertise announcements on television that would normally be advertised through the water bill.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**3.1 The actions of the Planning Commission meeting held on January 23, 2008.**

The Planning Manager reviewed the action of the Planning Commission meeting of January 23, 2008.

- 1) Case 2007-50 (Variance). Request to provide nine parking spaces where 11 spaces are required.

Mayor Rice called up Item No. 1 for review.

4. PUBLIC HEARINGS - None**5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS****5.1 Council/Agency Member Items**

Mayor Pro Tem Quach invited the community to the TET Parade on February 9th which will travel down Bolsa Avenue between Magnolia Street and Bushard Street. He also invited everyone to the TET Festival which will be held on February 8th, 9th and 10th.

Council Member Ta also extended an invitation to the community to attend the TET festivities. He informed everyone that February 7, 2008 will be the first day of Luner New Year.

Council Member Marsh expressed his appreciation to Mayor Rice and the Rose Center Foundation President Vivian Kirkpatrick-Pilger for their hard work to get the Foundation back on track. He also reminded everyone to vote on February 5, 2008.

Mayor Rice announced that in the upcoming months there will be two fundraisers with the Fab Four to be held at the Westminster Rose Center. Mayor Rice also announced that she will be out of town during the Study Session on February 6, 2008, in which Mayor Pro Tem Quach will chair the meeting. Mayor Rice stated that she attended the candlelight vigil for Steve Phillips on Tuesday evening.

5.2 AB 1234 Reports – None

Mayor Rice suggested that the Council Members who represent outside agencies make a brief report at the Council meetings to inform the community as to what is going on. Mayor Rice informed everyone that she will be attending a conference in Walnut Creek for the Public Cable Television Authority.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**6.2 Agreement to Fund Westminster Senior Center Project (502-15)**

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

- 1) Approve an agreement with the County of Orange accepting the County of Orange Capital Improvement Grant in the amount of \$40,000 for improvements to the restroom facilities at the Westminster Senior Center, and authorize the City Manager to execute the agreement on behalf of the City;
- 2) Authorize a budget transfer of funds in the amount of \$40,000 from the General Fund Undesignated Unreserved Fund Balance to the Senior Center Capital Improvement Project;
- 3) Increase the General Fund Intergovernmental Revenue Budget by \$40,000; and
- 4) Authorize a budget transfer of funds in the amount of \$32,000 from the Redevelopment Fund Contingency to the Senior Center Capital Improvement Project (newly created CIP Project).

The motion carried by a 4-0-1 vote.

6.3 Purchase of One Used Sedan – Unit No. 1020 (106-00)(08)

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

- 1) Transfer \$18,000 from Motor Pool Fund Balance to the Equipment Replacement Capital Project; and
- 2) Approve an increase to the purchase order to Ray's Auto Sales in the amount of \$18,000 and authorize the purchase of one used sedan from Ray's Auto Sales.

The motion carried by a 4-0-1 vote.

6.4 Selection of the Mid-Year Study Session for the Fiscal Year 2007-08 Budget. (103-08)(08)

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Quach to approve Wednesday, February 20, 2008 at 6:00 p.m. in the Council Chambers for the Mid-Year Study Session for the Fiscal Year 2007-2008 Budget. The motion carried by a 4-0-1 vote.

6.5 Discussion of Future Plans to Revisit the Structuring of Water Rates (610-03)

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to receive and file this report. The motion carried by a 4-0-1 vote.

Darrell Nolta, Westminster resident spoke in regards to the water rate structure. He expressed his opposition to hiring a consulting firm to perform the water rate study, as he said the last report was flawed.

Council Member Marsh agrees that the City should not hire a consultant for the water rate structure. He feels that there should be a Council study session first in regards to the water rates and then meet with the staff to share concerns.

Mayor Pro Tem Quach and Council Member Ta agreed to the idea of having a study session.

Council Member Marsh stated that the study session will not be used to determine what the new structure will be like but to determine the direction on how the City wants to approach it.

Vivian Kirkpatrick-Pilger, Westminster resident spoke in regards to the water rate structure and nominated herself to be a part of the study session.

7. **WRITTEN COMMUNICATIONS (Public)** - None
8. **LEGISLATIVE ITEMS** - None
9. **COMMISSION AND COMMITTEE ITEMS** - None
10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:00 p.m., Mayor/Agency Chair Rice adjourned the meeting to Wednesday, February 6, 2008 at 5:45 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, CA to hear presentations from nonprofit agencies and City departments applying for FY 2007-08 HOME/CDBG funds and discuss City/Agency matters.


Amanda Jensen, Assistant City Clerk/
Agency Secretary