

"Approved by the City Council/Redevelopment Agency Board on March 12, 2008"

**CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING**

**WESTMINSTER, CALIFORNIA
February 13, 2008**

The City Council/Agency Board of the City of Westminster, California convened on February 13, 2008 at 6:30 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, QUACH, MARSH, TA
ABSENT: FRY

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session at 6:37 p.m. for the following purposes:

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

RECESS:

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

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

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

SALUTE TO FLAG: Richard Jones, City Attorney

INVOCATION: Council Member Ta

REPORT OUT OF CLOSED SESSION – None

SPECIAL PRESENTATIONS:

- A. A presentation was made by Beckie Welty, Orange County Human Relations, on their Annual Report.
- B. The 5th and 6th grade students at DeMille Elementary School presented a hanging banner to the Police Department in remembrance of Officer Steve Phillips and Lieutenant Ron Weber. The students have also adopted the 3rd Assault Amphibian Battalion and are sending backpacks filled with school supplies to the Marines to give to the children in Iraq.

(ITEM WAS TAKEN OUT OF ORDER)
ROUTINE MATTERS

1.2 Proclamation declaring February 17-23, 2008 as National Engineers Week in the City of Westminster. (115-00) (08)

The Mayor and Council presented Marwan Youssef, Public Works Director the Proclamation. Marwan Youssef, Public Works Director introduced and thanked his staff.

ACTION: Approved.

- C. A presentation from B.J. Savage, Chairman of the 50th Anniversary Committee, recapping all of this year's events commemorating and celebrating the City of Westminster 50th Anniversary. He introduced all of the committee members and thanked City staff for all their help.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

6. Matters from City Manager/Executive Director

Item No. 6.3 - Deferment of the Appeal for the Revocation of the Police Permit for International Billiards - 6328 Westminster Boulevard

A memo to the Mayor & City Council dated February 12, 2008 from Andy Hall, Chief of Police providing an investigate update on International Billiards.

APPROVAL OF MINUTES

1.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meetings of the City Council/Redevelopment Agency of January 16, 2008 and January 30, 2008.

ACTION: Approved.

ROUTINE MATTERS

- 1.3 Environmental assessment and documentation pertaining to Capital Improvement Project No. 31002-073000 (New Police Facility) Location: Westminster Civic Center (Assessor's Parcel Number 097-080-42) Applicant: City of Westminster; Property Owner: City of Westminster. (502-08)**

ACTION: The Mayor and City Council authorized the preparation of an environmental assessment and documentation to satisfy the requirements of the California Environmental Quality Act (CEQA) in the amount of \$30,000.

- 1.4 First Amendment to Consulting Services Agreement with The Planning Center for Planning Related Services. (502-20)**

ACTION: The Mayor and City Council approved the First Amendment to the Consulting Services Agreement with The Planning Center for an increase of \$43,490 and a total amount not to exceed \$187,490 and authorized the City Manager to execute the amendment on behalf of the City.

- 1.5 Acceptance of Easement Deed for Waterline Purposes for 8166 Crown Court. (401-03)**

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

- 1.6 Change Order with All American Asphalt and Notice of Completion for the work performed by All American Asphalt, Inc., for the Rancho Road Street Improvement Project from Westminster Boulevard to Bolsa Chica Road.– (502-01)**

ACTION: The Mayor and City Council:

- 1) Authorized an Increase of \$93,508.46 to Purchase Order No. 4568 with All American Asphalt; and
- 2) Accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

- 1.7 Change Order with All American Asphalt and Notice of Completion for the work performed for the Madison Circle, Yermo Way, Washington Avenue, Alcester Street, Given Place, Butte Street, and Sabre Lane Street Improvements - Project No. CDBG 07-08. (502-01)**

ACTION: The Mayor and City Council:

- 1) Approved an increase of \$17,772.19 to Purchase Order No. 4567 with All American Asphalt; and
- 2) Accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.8 Facility Use Request - Greater Grace Church of Deliverance (702-06)

ACTION: The Mayor and City Council approved the fee waiver from the Greater Grace Church of Deliverance for use of the Senior Center Dining Room for their choir banquet from 6:00 p.m. to 8:30 p.m. on February 23, 2008.

(REMOVED AND HEARD SEPARATELY)

1.9 License Agreement with Southern California Edison for Placement of Banners on Street Light Poles. (502-19)

Darrell A. Nolta, resident of Westminster, stated that he did not want to see campaign signs posted on the poles. He also stated his opposition to the posting of the South Vietnamese banner on the poles.

Motion was made by Council Member Marsh, and seconded by Council Member Ta, to approve the License Agreement with Southern California Edison for placement of banners on street light poles, and authorize the City Manager to execute the agreement on behalf of the City.

The motion carried by a 4-0-1 (Fry absent) vote.

ORDINANCES (SECOND READING)/RESOLUTIONS

(REMOVED AND HEARD SEPARATELY)

1.10 Resolution No. 4141 - A Resolution of the Mayor and City Council of the City of Westminster Approving the Submittal of Seven Capital Improvement Projects to the Orange County Transportation Authority for Funding Under the Combined Transportation Funding Program. (613-11)

Darrell A. Nolta, resident of Westminster, stated his opposition to the application of surveillance cameras. He is very concerned about infringement on civil liberties.

Motion was made by Council Member Marsh, and seconded by Council Member Ta, to adopt Resolution No. 4141.

The motion carried by a 4-0-1 (Fry absent) vote.

WARRANT REGISTER**1.11 (City Council/Redevelopment Agency) Warrant Register dated January 23, 2008 through February 5, 2008. (105-09) (08)**

ACTION: Approved.

INFORMATION AND REPORTS

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

ACTION: Received and filed.

**1.13 Community Development Monthly Activity Report – January 2008
(216-01) (08)**

ACTION: Received and filed.

**1.14 Minutes of the Traffic Commission meeting held January 29, 2008
(104-12)**

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, with the exception of Item Nos. 1.9 and 1.10 which were removed for separate consideration. The motion carried by a 4-0-1 (Fry absent) vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Sandra McClure, President-Elect of the Chamber of Commerce, informed everyone of the opportunity to recycle their old electronics. The Chamber is hosting a free e-waste event at the Westminster Mall parking lot at the Northwest side between Macy's and JCPenney, on February 22-23, 2008 from 9:00 am to 4:00 pm. She also requested volunteers to work this e-waste event. Ms. McClure reminded everyone that the Chamber is hosting the Public Service Awards on February 26, 2008 at the Rose Center. For additional information on either events contact the Westminster Chamber.

Margaret Cummings, resident of Westminster, was concerned with the scenes from the Miss Saigon production because she thought they were not up to moral standards and too risqué. She requested that future productions be more family oriented. She is also concerned with the traffic on Grey Oaks Street around Cloverdale Park and requested to have speed bumps installed in this area.

Darrell A. Nolta, resident of Westminster, said that e-waste disposal is good for the community. He stated that he received criticism for supporting the TET Parade but believes that it is very important to support these events. Mr. Nolta did not want militaristic demonstrations at the TET Parade. He also did not like the use of fireworks from residents after this event because it is illegal to use them within our City limits.

Holly Hoang, resident of Westminster for 14 years, said her neighbor converted her garage into an illegal room and is renting it. The people that live there are

making a mess of the yard. Ms. Hoang has been complaining for two years to the City and the Code Enforcement Department about this issue.

Don Anderson, Director of Community Development, will speak to Ms. Hoang about this issue.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on February 6, 2008.

The Mayor and City Council reviewed the item from the Planning Commission meeting of February 6, 2008

- 1) Case No. 2007-52 Variance from setback and parking standards for a detached accessory structure constructed on the subject site without permits. Location: 7781 13th Street.

4. PUBLIC HEARINGS – None

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Ta wished everyone a Happy Valentine's Day and thanked staff for a successful TET Parade on Saturday, February 9, 2008.

Council Member Marsh complimented the organizers and City staff for the TET Parade. He stated that this year's parade started on time and that the event was well planned. Council Member Marsh informed everyone that there is excitement from residents for the resurrection of the Founders Day parade.

Mayor Pro Tem Quach thanked the Council for volunteering him for the TET Parade organization. He informed Council that all of the City support money may not have to be used because support money is still coming in. Mayor Pro Tem Quach also thanked all of the City staff for their participation and help in the TET Parade. He was aware that police were dispatched to stop the use of illegal fireworks. Mayor Pro Tem Quach thanked all of the TET Parade sponsors.

Mayor Rice said that it was the best TET Parade and very well organized. She thanked Mayor Pro Tem Quach for all his hard work.

5.2 AB 1234 Reports

Mayor Rice stated that she attended a State Franchising Conference on February 5th in the City of Walnut Creek with the Director of the Public Cable Television Association (PCTA). She also informed Council that Yollenna Morales, a City WTV-3 employee, was recently hired by the PCTA.

5.3 Consideration of a Request from Yen Tan Pham, Project Manager to waive the required park in-lieu fee of \$142,681.65 for the previously approved 12

unit townhouse project (Case No. 2003-21) located at 7861 23rd Street. (201-00 CN 2003-21)

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Quach to defer this item to the February 27, 2008 Council Meeting.

The motion carried by a 4-0-1 (Fry absent) vote.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Review of Case No. 2007-77 (Design Review), an appeal of the Planning Commission's decision determining that a proposed 25-foot high pylon sign is inappropriate and inconsistent with the City's adopted Design Standards Manual. Location: 15054 Moran Street (Assessor's Parcel Number 143-621-04) Applicant: Mr. Tom Pham; Property Owner: Mr. Hai Dinh (Deferred from the October 24, 2007 meeting). (201-00 CN 20007-77)

Art Bashmakian, Planning Manager, stated that the Council heard this item to consider a 25 foot high pylon sign on October 24, 2007 and continued the item until after the Urban Land Institute's report on Little Saigon Study was completed. He stated that this was not a sign variance request. A pylon sign is allowed without a variance. The applicant has submitted a revised design for consideration of an 18 foot high skirted pole sign. The Planning Commission recommends a monument sign rather than a pylon or pole sign for this area.

Ray Silver, City Manager, stated that the workbooks provided to Council as a handout will be used next week when staff meets on Tuesday and Thursday with the property owners on Moran Street and Weststate Street to discuss ideas on how to make it more pedestrian friendly.

Council Member Ta asked for the height requirement of a monument sign. Mr. Bashmakian stated the maximum height for a monument sign is six feet.

Darrell A. Nolta, resident of Westminster, said that the City needs to look at how to encourage businesses to be successful and come up with ideas to help this applicant and others to facilitate better advertisement.

Councilmember Ta felt that the pylon sign is inappropriate but would like the applicant to have an opportunity for taller monument sign with a variance.

Mayor Pro Tem Quach stated that he brought up this item for a design review because the property owner has met the City's code. He believes that if you own a property you should be able put in a reasonable request to do what you would like to do with it to promote your business and live the American dream. He requested to defer this item and invite the applicant to attend the workshops for the property owners on Moran Street.

Ray Silver, City Manager, clarified that on Tuesday of next week, staff and a consultant from The Planning Center, will meet with the property owners on

Moran and Weststate Streets to conduct a workshop to gather information on the concepts in the workbook. Staff will provide Council a status report from this workshop and the concepts illustrated in the workbook.

Motion was made by Mayor Rice, and seconded by Council Member Marsh to adopt the Planning Commission's recommendation and Resolution No. 4120 entitled: "A Resolution of the Mayor and City Council of the City of Westminster pertaining to Case 2007-77 upholding the Planning Commission's determination that a pylon sign is inappropriate and inconsistent with the City's adopted Design Standards Manual for the property located at 15054 Moran Street (Assessor's Parcel Number 143-621-04), in the C2 (General Business) District."

The motion failed by the following roll call vote:

AYES: COUNCIL MEMBERS: RICE, MARSH
 NOES: COUNCIL MEMBERS: QUACH
 ABSTAIN: COUNCIL MEMBERS: TA
 ABSENT: COUNCIL MEMBERS: FRY

The City Attorney stated the result is that the Planning Commission's action remains in effect and the pylon sign has been denied.

6.2 (Redevelopment Agency) Exclusive Negotiation Agreement with AMCAL Multi-Housing, Inc. for the Development of Affordable Workforce Housing and Purchase of a 1.18 acre Site located at 280 Hospital Circle (APN 096-252-017). (502-01)

Mario Turner of Amcal Multi-Housing informed the Agency Members that he is available to answer any questions they may have.

Motion was made by Vice Chair Quach, and seconded by Agency Member Ta to:

- 1) Adopt Resolution No. 187 entitled "A Resolution of the Westminster Redevelopment Agency approving the terms and conditions set forth in the Exclusive Negotiation Agreement with AMCAL Multi-Housing, Inc." (attached as Exhibit A to the Resolution.);
- 2) Authorize the Executive Director to execute and implement the Exclusive Negotiation Agreement with AMCAL Multi-Housing Inc. as the developer, providing direction to prepare a Disposition and Development Agreement with AMCAL Multi-Housing, Inc. that will provide for the development of up to forty (40) multi-family affordable workforce housing units; and
- 3) Adopt Resolution No. 188 entitled, "A Resolution of the Westminster Redevelopment Agency authorizing the Executive Director to execute an Assignment and Assumption Agreement and any other related documents necessary to complete purchase of the property located at 280 Hospital Circle, Westminster, California (APN 096-251-017) with Redevelopment

Low and Moderate Income Housing Funds; and **declaring** that the project is of benefit to the Project Area; and **authorizing** the Executive Director to accept the Grant Deed for the Property.”

The motion carried by a 4-0-1 (Fry absent) vote.

6.3 Deferment of the Appeal for the Revocation of the Police Permit for International Billiards - 6328 Westminster Boulevard (deferred from the January 30, 2008 meeting). (805-06)

Richard Jones, City Attorney stated that Mr. Talmo has requested the deferral on behalf of his client. Mr. Talmo is in consultation with Chief Hall in the process of resolving the issue. In the meantime during these discussions the business is closed. If this item proceeds there will be a request for a conditional use permit.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to defer the appeal of the Police Department’s revocation of the police permit at International Billiards to a date uncertain, pending agreement to terms between the City of Westminster and International Billiards for the establishment of a Conditional Use Permit at the location.

The motion carried by a 4-0-1 (Fry absent) vote.

6.4 New Police Building Design Progress Study Session Meeting Dates. (103-08) (08)

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Quach to remove item from consideration and to bring back at a later date per staff’s request.

The motion carried by a 4-0-1 (Fry absent) vote.

6.5 Rose Center Foundation Fundraiser Flyer. (104-23)

Darrell A. Nolta, resident of Westminster, stated his concern with the use of the water fund money to fund this mailing.

Council Member Marsh offered a donation of \$317.94 to the Rose Center Foundation to cover this mailing expense.

Motion was made by Council Member Marsh, and seconded by Council Member Ta to utilize the City’s water billing system to mail the Rose Center Foundation Fundraiser announcement for a special preview of the feature film Beautiful Dreamer on April 4, 2008.

The motion carried by a 4-0-1 (Fry absent) vote.

7. WRITTEN COMMUNICATIONS (Public) – None.

8. LEGISLATIVE ITEMS – None.**9. COMMISSION AND COMMITTEE ITEMS****9.1 Parking restrictions on the west side of Edwards Street, north of Trask Avenue related to the new traffic signal installation, T.C. 95-100. (608-02)**

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Quach to adopt Resolution No. 4138 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no parking or stopping at a certain location on the west side of Edwards Street, north of Trask Avenue".

The motion carried by a 4-0-1 (Fry absent) vote.

9.2 Parking restrictions on the south side of Trask Avenue, west of Chestnut Street T.C. 70-283. (608-02)

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to adopt Resolution No. 4139 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no parking or stopping at a certain location on the south side of Trask Avenue, west of Chestnut Street."

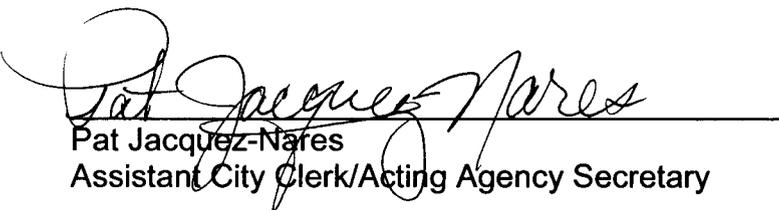
The motion carried by a 4-0-1 (Fry absent) vote.

9.3 Parking restrictions on the east side of Monroe Street, north of Westminster Boulevard T.C. 77-123. (608-02)

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Quach to adopt Resolution No. 4140 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no parking or stopping at a certain location on east side of Monroe Street, north of Westminster Boulevard."

The motion carried by a 4-0-1 (Fry absent) vote.

10. COUNCIL/AGENCY ADJOURNMENT: At 8:45 p.m. Mayor/Agency Chair Rice adjourned the meeting in memory of Carlos Garcia, a volunteer of the Westminster Senior Center, to Monday, February 20, 2008 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California for the purpose of holding the mid-year budget review and/or to discuss City/Agency business. Mayor Rice adjourned the meeting.


Pat Jacquez-Nares
Assistant City Clerk/Acting Agency Secretary