

"Approved by the City Council/Redevelopment Agency Board on April 9, 2008"

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

**WESTMINSTER, CALIFORNIA
March 12, 2008**

The City Council/Agency Board of the City of Westminster, California convened on March 12, 2008 at 6:35 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, FRY (arrived at 6:55 p.m.) MARSH, TA
ABSENT: NONE

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(a): Existing Litigation: Daniel & Cynthia Imlay vs. City of Westminster; Case No. 07CC02259.

RECESS: At 7:00 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, FRY, MARSH, TA
ABSENT: NONE

SALUTE TO FLAG: Mayor Pro Tem Quach

INVOCATION: Council Member Marsh

REPORT OUT OF CLOSED SESSION:

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

SPECIAL PRESENTATIONS

- A. The Mayor and City Council presented Betty Poole a Resolution of Commendation for her years of service on the Commission on Aging and to the community. (115-00)
- B. The Mayor and City Council presented a Certificate of Appreciation to James Miller for the donation of his vehicle and driving Bank of America representatives in the 2008 TET Parade. (115-00)
- C. Al and Diane Brackett spoke in regards to the Relay for Life Kickoff which will be held on March 27, 2008.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

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.

Public Hearings

4.1 Appeal of the Planning Commission's Denial of Case No. 2007-52 (Variances); Location: 7781 13th Street; Applicant/Appellant: Gerald Alstadter; Property Owner of Record. (201-00) (CN 2007-52)

A letter from Gerald Alstadter dated March 11, 2008 requesting continuance of this matter to the March 26, 2008 meeting.

1. CONSENT CALENDAR

ROUTINE MATTERS

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of February 13, 2008 and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of February 20, 2008.**

Council Member Fry pulled the item due to the fact that he was not present at the February 13, 2008 and February 20, 2008 meetings.

Motion was made by Council/Agency Member Marsh, and seconded by Mayor Pro Tem/Vice Chair Quach to approve the Minutes of the Regular Meeting of the City Council/Redevelopment Agency of February 13, 2008 and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of February 20, 2008.

The motion carried by the following vote:

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

ROUTINE MATTERS

1.2 Upgrade to the City's 9-1-1 System Customer Premise Equipment (CPE) and related equipment in FY 2007-2008. All costs to be paid from the State of California 9-1-1 Program. (805-01)

ACTION: The Mayor and City Council:

- 1) Approved the Scope of Services with AT&T (Plant CML) for 9-1-1 telephone systems, software, equipment and services; and
- 2) Authorized a purchase order with Russ Bassett in an amount not to exceed \$109,232.29 for 9-1-1 telephone systems consoles and equipment.

1.3 Notice of Completion for the work performed by Hardy & Harper Inc., for City-Wide CAPE and Slurry Seals Street Improvements Project – Project No. CAPE 04-05-06 (502-08)

ACTION: The Mayor and City Council accepted the subject project, and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.4 Change Order with Process Solutions, Inc. and Notice of Completion for work performed for One On-Site Sodium Hypochlorite Generation Unit for Well 75-A (502-16)

ACTION: The Mayor and City Council:

- 1) Approved an increase of \$1,200.00 to Purchase Order No. 4649 to Process Solutions, Inc.; and
- 2) Accepted the subject project, and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.5 Purchase of a One-Ton Truck with Flatbed – Unit No. 3003 (502-22)

ACTION: The Mayor and City Council approved the purchase of a One-Ton Truck with Flatbed in the amount of \$40,224.10 from Villa Ford.

1.6 Fee Waiver request from American Red Cross to hold a Little Saigon Public Safety Town Hall Meeting in the East/West Room of the Community Services Building on Saturday, March 29, 2008 from 11:00 a.m. – 1:00 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 Toastmasters International to conduct a speech contest in the A/B room of the Community Services Building on Saturday, March 29, 2008 from 1:00 p.m – 4:00 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 the City facilities by Community Groups/Non-Profit Organizations.

1.8 Agreement with the Rosenow Spevacek Group Inc., for Fiscal Consultant Services for the Westminster Redevelopment Agency (502-18)

ACTION: The Chair and Agency Board approved the Fiscal Consultant Services Agreement with Rosenow Spevacek Group for the Westminster Redevelopment Agency in an amount not to exceed \$25,000 and authorized the Executive Director to execute the agreement and future lease renewals on behalf of the Agency.

1.9 Review and Approval of Proposed Amendment to the Agreement with Jones & Mayer for Legal Services. (502-10)

ACTION: The Mayor and City Council approved the proposed agreement amendment.

ADMINISTRATIVE ITEMS**1.10 Special Event Permit application from the Vietnamese American Community of Southern California (VACSC) to hold a Black April Commemoration Ceremony on Saturday, April 26, 2008 between the hours of 4:00 p.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)(VI)**

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

- 1.11 Special Event Permit application from the Vietnam War Memorial Committee to hold a Memorial Ceremony on Sunday, April 27, 2008 between the hours of 8:00 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)**

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

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.12 Special Event Permit application from the King Hung Oversea Foundation to hold a Festival and Musical Show at the Civic Center Sunken Gardens and a Ceremony at Sid Goldstein Freedom Park. The event will take place on Friday, April 11, 2008 through Sunday, April 13, 2008. Event set up will be Friday from 5:00 until 10:00 p.m.; The Festival will begin Saturday from 10:00 a.m. until 10:00 p.m. and Sunday from 10:00 a.m. until 8:00 p.m. (includes clean up time). Applicant estimates the attendance will be 1000 people throughout the event. (213-02)(KI)**

Mayor Pro Tem Quach asked Neil Nguyen, King Hung Oversea Foundation whether or not they had formed a 501(c)3. Mr. Nguyen informed the Council that they had not yet formed a 501(c)3.

Mr. Nguyen explained that it is not a parade, but a procession. He requested that the procession be able to cross All American Way. He said that it would only take 15-20 minutes for the whole procession to take place.

Council Member Ta suggested that the Foundation submit their request earlier next year, so it will allow the City to better plan such an event.

Mayor Pro Tem Quach feels that it would not be a good idea to shut down All American Way, because the Police Department deploys onto that street and he would not want the procession to interfere with emergency calls.

The City Attorney stated that the Foundation will need to obtain insurance for the event. Mr. Nguyen informed the Council that they are working on the insurance and will have it before the event.

Khoi Pham, Westminster resident spoke in favor of the event and explained that this event is a tradition. He asked the Council to consider the procession.

Xuan Mai Dang, Garden Grove resident spoke in favor of the event and said that this event is a cultural activity and hopes that the Council would consider the procession.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Marsh to approve the Special Event Permit application subject to the conditions attached to the staff report. The applicant's request to conduct a procession/parade on All American Way from the Civic Center Sunken Gardens to Sid Goldstein Freedom Park was not approved due to the impact of a closure to a public street, as police vehicles must have free access to 13th Street and All American Way at all times. Applicant may conduct the procession/parade on the public sidewalk as done in previous years.

The motion carried by the following vote:

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

WARRANT REGISTER

- 1.13 (City Council/Redevelopment Agency) Warrant Register dated February 20 through March 4, 2008. (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.14 Minutes of the Planning Commission dated February 6, 2008 (104-11)**

ACTION: Received and filed.

- 1.15 Treasurer's Report – January 2008 (105-08)**

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 with the exception of Item No.'s 1.1 and 1.12 which were removed for separate consideration. The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Richard Irwin, H & R Block, spoke in regards to the Economic Stimulus Plan.

Trong Doan, Westminster resident spoke in regards to the bomb threat that was received at the Nguoi Viet News.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**3.1 The actions of the Planning Commission meeting held on March 5, 2008**

The Community Development Director reviewed the actions of the Planning Commission meeting of March 5, 2008.

- 1) Case 2006-87 (Conditional Use Permit) three month review of Luc Huyen Cam restaurant's beer and wine on-sale permit at 14541 Brookhurst Street, Suites B5 and B6; and
- 2) Case 2007-51 (Tentative Parcel Map, Site Plan Review and Design Review) proposal for a four unit residential condominium project at 7901 13th Street.

Mayor Pro Tem Quach asked for confirmation that the applicant for Luc Huyen Cam is requesting for an extension on the opening hour not the closing hour. Don Anderson, Community Development Director responded by saying that they are not changing the operating hours of the restaurant but would be extending the hours that alcohol will be served, which will be from 11 a.m. – 10 p.m..

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta, to receive and file Item Nos. 1 and 2 of the oral report of the Planning Commission meeting of March 5, 2008. The motion carried by a 5-0 vote.

4. PUBLIC HEARINGS**4.1 APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CASE NO. 2007-52 (VARIANCES); LOCATION: 7781 13TH STREET; APPLICANT/APPELLANT: GERALD ALSTADTER, PROPERTY OWNER OF RECORD (201-00)(CN 2007-52)**

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Fry to defer the Public Hearing at the request of the applicant to March 26, 2008 at 7:00 p.m. The motion carried by a 5-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**5.1 Council/Agency Member Items**

Council Member Ta welcomed Council Member Fry back and wished him continued health and strength. He also wished Mayor Pro Tem Quach Happy Birthday.

Council Member Marsh wished Mayor Pro Tem Quach a Happy Birthday. He also is happy Council Member Fry is feeling better.

Mayor Pro Tem Quach thanked the Council for the birthday wishes. He informed Council Member Fry that he was deeply missed during his absence.

Mayor Pro Tem Quach spoke in regards to the recent allocation of \$2.5 million from the County of Orange to construct a bridge across Bolsa Avenue. He asked staff if they knew of this and whether or not it would be built on City property, whether or not it would be over city right-of-way; whether the City will have legal rights to the design; and whether or not this is Measure 1B money from the State.

The City Manager stated that he attended the press conference in regards to this matter. He stated that they will be asking the City to allow it to be landed on City property on both sides. Once a formal written request for such an application for use is received, staff will analyze it and look at the facts and the matter will come to Council for consideration. The County expressed that once the bridge is constructed they would like for the City to take possession of the bridge. He stated that Public Works will have to look at the proposed landing site which is not yet definitive. He also confirmed that it is 1B money that would be used for this project.

The City Manager asked Marwan Youssef, Public Works Director/City Engineer whether or not 1B money is an eligible source to construct a pedestrian overpass, such as the proposed project. Mr. Youssef explained that the 1B money is used for traffic congestion relief. He said that the bridge would eliminate pedestrian crossing at the Asian Garden Mall and in return would improve the traffic congestion in that area.

Mayor Pro Tem Quach asked staff to forward the City's list of priorities that was recently approved by Council to the County of Orange and the State of California so that in the future, when funds are available, they will be able to refer to the list of the City's priorities.

Council Member Marsh feels that the County should have consulted with the City before making such a decision on the prioritization of projects within the City. He also is concerned about the liability of the proposed bridge and feels that the Council should be more involved in the decision making process.

The City Manager directed the Public Works Director/City Engineer to forward the application from the County once received to the Council for their consideration.

Mayor Rice said that she went to a "Carpet Cutting" at the Westminster Mall. She also stated that the Mall received \$17 million to use for refurbishing, including the interior, entryways and new reader board. Mayor Rice recognized the Boy Scouts that were present at the meeting and expressed her appreciation for coming to the meeting.

Council Member Fry thanked everyone for all of the prayers and support during his absence.

URGENT ITEM

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Marsh to bring on an item 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 5-0 vote.

Mayor Rice informed the Council that she will be out of town April 23, 2008 which is scheduled for Youth in Government Day and would like to reschedule the regular meeting.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to reschedule the April 23, 2008 meeting to April 30, 2008. The motion carried by a 5-0 vote.

5.2 AB 1234 Reports – None**5.3 Request for funds in the amount of \$75,000 from the City to the Rose Center Foundation for the Westminster Rose Center.**

Mayor Rice informed Council that the Rose Center Foundation requested that the item be pulled until next meeting due to the lack of materials and information.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Fry to continue this item to March 26, 2008.

Council Member Marsh asked for clarification that the Rose Center Foundation is requesting the funds not the City. Mayor Rice confirmed that it is the Rose Center Foundation is requesting the funds.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**6.1 Award of Contract for AHRP 06-07 Street Improvement project for Trask Avenue from Beach Boulevard to Newland Street, Federal-Aid project number STPL-5338 (037); Goldenwest Street from Bolsa Avenue to Hazard Avenue, Federal-Aid project number STPL 5338 (038); and Magnolia Street from Edinger Avenue to I-405 Freeway, Federal-Aid project number STPL 5338 (039) (502-15)**

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Quach to award a contract to the low qualified bidder Ortiz Asphalt Paving, Inc. in the amount of \$2,277,736.32; 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.

6.2 (City/Agency) Mid-Year Amendments to the Fiscal Year 2007-08 Budget (105-04)

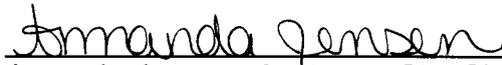
Motion was made by Mayor Pro Tem/Vice Chair Quach, and seconded by Council/Agency Member Ta, to approve amendments to the fiscal year 2007-08 Municipal Budget, as outlined in the Fiscal Impact Section of the Staff Report. The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) - None

8. LEGISLATIVE ITEMS - None

9. COMMISSION AND COMMITTEE ITEMS - None

10. COUNCIL/AGENCY ADJOURNMENT: At 8:20 p.m., Mayor/Agency Chair Rice adjourned the meeting.


Amanda Jensen, Assistant City Clerk/
Agency Secretary