

"Approved by the City Council/Redevelopment Agency Board on May 14, 2008"

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
April 9, 2008

The City Council/Agency Board of the City of Westminster, California convened on April 9, 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, FRY (arrived at 6:35 p.m.) MARSH, TA
ABSENT: NONE

URGENT ITEMS ADDED TO CLOSED SESSION:

Motion was made by Mayor Pro Tem Quach, seconded by seconded by Council Member Marsh and carried by a 4-0 vote (Council Member Fry absent) that the following item be added to Closed Session, as the matter arose subsequent to the posting of the agenda and requires immediate action.

Conference with Legal Counsel pursuant to Government Code Section 54956.9(b) Anticipated Litigation (one potential case) regarding payment of park-in-lieu fees to the City; Location: 7861 and 7871 23rd Street; Property Owner: Yen Pham.

Motion was made by Council Member Marsh, seconded by Mayor Pro Tem Quach and carried by a 4-0 vote (Council Member Fry absent) that the following item be added to Closed Session, as the matter arose subsequent to the posting of the agenda and requires immediate action.

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 Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 15261 Brookhurst Street (southwest corner of Brookhurst and Bishop Streets); City Negotiator: City Manager Ray Silver, Police Chief Andy Hall and Economic Development Specialist Chet Simmons; Negotiating Party: Miriam Warne (Warne Ranch LLC); Under Negotiation: Price and Terms of Payment.

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 7:06 p.m. in the Council Chambers.

ROLL CALL

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

SALUTE TO FLAG: Council Member Fry

INVOCATION: Council Member Ta

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 Lauren Hay-Lavitt – First Place Winner at the Westminster Kennel Club Show a Certificate of Congratulations. (115-00)(08)
- B. The Mayor and City Council presented a Resolution of Commendation and individual Certificates of Achievement to the Westminster High School's Academic Decathlon Team, for which they received 1st Place Title at the Orange County Academic Decathlon and 21st Place Title at the California Academic Decathlon. (115-00)(08)

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.

Matters from City Manager

6.1 Appeal of Police Permit Revocation for Beach Girls Bar Located at 15549 Beach Boulevard. (805-06)

A letter from John Cogorno on behalf of Beach Girls Bar requesting a continuance of this matter to the April 30, 2008 meeting.

1. CONSENT CALENDAR

ROUTINE MATTERS

1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of February 27, 2008 and March 12, 2008.

ACTION: Approved.

ROUTINE MATTERS

**1.2 (ITEM REMOVED AND HEARD SEPARATELY)
Proclamation declaring April 26, 2008 as National Arbor Day in the City of Westminster. (115-00)(08)**

Darrell Nolta, Westminster resident and member of the Tree Education Committee spoke in regards to National Arbor Day and the 42 trees that will be planted on April 26, 2008 in a neighborhood within the City. Mr. Nolta also spoke in regards to the benefits of having trees in our community.

Motion was made by Council Member Marsh, and seconded by Council Member Ta to approve the Proclamation declaring April 26, 2008 as National Arbor Day in the City of Westminster. The motion carried by a 5-0 vote.

1.3 Proclamation declaring April 13-19, 2008 as National Crime Victims' Rights Week in the City of Westminster. (115-00)(08)

ACTION: Approved.

**1.4 (ITEM REMOVED AND HEARD SEPARATELY)
Purchase of One Used Sedan for the Code Enforcement Division. (106-00)(08)**

Darrell Nolta, Westminster resident expressed his concerns of the amount requested for a used vehicle. He also requested the gas mileage information for the vehicle and whether or not Ray's Auto Sales is located in Westminster.

Mayor Pro Tem Quach directed staff to get the gas mileage information on the used sedan that will be purchased for the Code Enforcement Division.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Marsh to authorize an increase to Purchase Order No. 4339 with Ray's Auto Sales in the amount of \$18,000 for the purchase of one used sedan. The motion carried by a 5-0 vote.

1.5 Increase Purchase Order with Huntington Court Reporters for Police Transcription Services for 2007-2008. (502-08)

ACTION: The Mayor and City Council authorized an increase of \$12,000 to Purchase Order No. 4063 with Huntington Court Reporters for police related transcription services.

1.6 Agreement to Transfer Property or Funds for 2007 Homeland Security Grant Program Purposes. (502-15)

ACTION: The Mayor and City Council approved an agreement with the County of Orange to transfer property or funds for 2007 Homeland Security Grant Program purposes and authorized the Chief of Police to execute the agreement on behalf of the City.

1.7 (City/Agency) Amendment No. 2 to Consulting Agreement for Administration of Housing Rehabilitation Programs in FY 2007-2008. (502-03)

ACTION: The Mayor/Chair and City Council/ Agency Board approved Amendment No. 2 to the Consulting Services Agreement with Comprehensive Housing Services, Incorporated and authorized the City Manager/Executive Director to execute the Amendment on behalf of the City/Agency.

(ITEM REMOVED AND HEARD SEPARATELY)

1.8 Purchase of One (1) One Ton Truck with Flatbed & Cabinets – Unit No. 2304. (502-20)

Darrell Nolta, Westminster resident spoke in regards to Theodore Robbins Ford being located in Costa Mesa. He asked why Sunset Ford did not bid on this proposal.

The City Attorney informed Mr. Nolta that the City sends Notice Inviting Bids to Sunset Ford, but it is not required that they respond.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Marsh to approve the purchase of one (1) One Ton Truck with Flatbed and Cabinets in the amount of \$33,264.44 from Theodore Robbins Ford. The motion carried by a 5-0 vote.

ADMINISTRATIVE ITEMS

- 1.9 Administrative Approval of fee waiver for Orange County Clerk of the Board for the use of the Council Chambers to host a Workshop on Tuesday, April 15, 2008 from 4:00 p.m. – 8:30 p.m. (702-06)**

ACTION: The City Council received and filed the report.

WARRANT REGISTER

- 1.10 (City Council/Redevelopment Agency) Warrant Register dated March 19 through April 1, 2008. (105-09)(08)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.11 Minutes of the Planning Commission meeting held March 5, 2008. (104-11)**

ACTION: Received and filed.

- 1.12 Minutes of the Energy Commission meetings held January 10, January 24, and March 6, 2008. (104-07)**

ACTION: Received and filed.

- 1.13 Minutes of the Cultural Arts Commission meeting held February 7, 2008. (104-06)**

ACTION: Received and filed.

- 1.14 Treasurer’s Report – February 2008. (105-08)(08)**

ACTION: Received and filed.

Motion was made by Mayor Pro Tem/Vice Chair Quach, and seconded by Council/Agency Member Fry to approve the Consent Calendar with the exception of Item No.’s 1.2, 1.4 and 1.8 which were removed for separate consideration. The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Quach to move Item 6.1 forward and consider it at this time. The motion carried by a 5-0 vote.

6.1 Appeal of Police Permit Revocation for Beach Girls Bar Located at 15549 Beach Boulevard. (805-06)

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to defer the item at the request of the applicant's attorney to April 30, 2008 at 7:00 p.m. The motion carried by a 5-0 vote.

2. ORAL COMMUNICATIONS

John Briscoe, Ocean View School Board spoke in regards to the "In God We Trust", and how the Westminster School Board was the first School Board in the State of California to vote against displaying the "In God We Trust" motto. He thanked the Council for acting on their beliefs in displaying the motto and informed the Council that he will submit the Resolution again in April to the School Board in hopes that they will approve it.

Judy Ahrens, Westminster resident, spoke in regards to the "In God We Trust" motto and encouraged the community to contact the Westminster School District and express support for the motto. She also read an article by Phyllis Schlafly, Eagle Forum President that highlighted the attack on cultural religion and morals in public schools.

Timothy Ngo, Vietnamese American Community of Southern California, spoke in regards to Black April and thanked the Council for allowing the display of the Vietnamese flags within the City of Westminster. Mr. Ngo invited the Council and City staff to attend the Opening Ceremony of the Black April 30th Commemoration.

George Garcia, Westminster resident apologized for his statements that he made at the March 26, 2008 meeting in regards to graffiti removal.

Darrell Nolta, Westminster resident spoke in regards to Nguoi Viet Daily News and commended the Westminster Police Department for protecting the First Amendment Rights, Freedom of the Press and Freedom of Protest. He also spoke in regards to the electricity issue and the \$75,000 for the Rose Center and inquired about the status of the situation.

Marwan Youssef, Public Works Director/City Engineer informed the Council that he has met with the Deputy City Attorney and mechanical engineers who designed the Rose Center's HVAC System. He also informed the Council that Jeff Howell has met with two different companies in regards to the situation and recommendations on how to resolve the issue will be brought to Council for discussion.

Andrew Tran, Westminster resident spoke in regards to an Ordinance that was previously adopted by the Council that outlined that the driveway area is removed before determining density for a property. Mr. Tran requested that the Council reconsider the Ordinance.

Erwin Vysma, Westminster resident expressed appreciation to the Council and City staff for installing the street light at Newland Street and Oasis Street.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW - None

4. PUBLIC HEARINGS

4.1 REVIEW OF ORDINANCE NO. 2429 – AMENDMENT TO TITLE 17 (LAND USE ORDINANCE) OF THE WESTMINSTER MUNICIPAL CODE TO REQUIRE APPLICANTS TO POST A PUBLIC HEARING NOTICE AT THE SITE TO WHICH A HEARING PERTAINS. (203-11)

Art Bashmakian, Planning Manager gave a brief presentation on the proposed Ordinance.

Council Member Marsh asked Mr. Bashmakian if the applicant fails to post the notice or posts the notice in inappropriate location or posts it and removes it before the required time frame, is there a consequence or does it give the Council the authority to deny the application.

Mr. Bashmakian stated that it is a requirement of the applicant to submit a picture of the notice to the City and sign an affidavit. He also stated that if they fail to comply it will result in not conducting a public hearing.

The City Attorney informed the Council that if the notice is not properly posted then the Council cannot conduct a public hearing and the applicant would have to start over in the process.

Mayor Pro Tem Quach stated that most likely the applicant wants their project to be approved so it's least likely that they would sabotage their own project by not posting the notices properly. He suggested that it should be added in the conditions that the applicant is responsible for maintaining the notice until the hearing is heard. Mr. Bashmakian responded by saying that the condition is already included in the Ordinance.

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

Judy Ahrens, Westminster resident spoke in opposition to the item. She expressed that she would like to have consequences outlined within the Ordinance when the applicant fails to properly post the notices.

Darrell Nolta, Westminster resident spoke in opposition to the item. Mr. Nolta asked how much money the City will save by having the applicant post the notices rather than the City employee.

THERE BEING NO FURTHER SPEAKERS, MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Rice stated that she does not approve of the language in Section 1 B, "At the discretion of the Director, the applicant may be exempted from the on-site sign requirement if the Director determines that a sign cannot adequately be placed on-site."

Council Member Marsh requested that a provision be added that says, "A failure to comply with these provisions will constitute grounds of cancellation of the hearing and/or denial of the application."

Mayor Pro Tem Quach feels that it is not legal to make it grounds for denial if the applicant does not comply. He requested that Council Member Marsh's suggestion not be considered.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Marsh to take no action at this time and have staff bring back Ordinance No. 2429 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Title 17 (Land Use) of the Westminster Municipal Code to amend Section 17.05.020 Public Hearing Notice Posting to require applicants to post a public hearing notice at the site to which the hearing pertains" for further consideration.

The motion carried by the following vote:

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

4.2 WEED ABATEMENT – SPRING, 2008 (618-01)(08)

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

SINCE THERE WERE NO SPEAKERS IN FAVOR OR IN OPPOSITION ON THIS MATTER, MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Rice requested that notice be sent to the property on Edwards Street just before the flood control ditch where you turn onto Navajo Road be included in the weed abatement.

The City Attorney explained that staff will take care of the request and informed the Council that the Resolution includes the properties that have already been given notice.

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

- 1) Overrule any objections received for the abatement of the weeds, and
- 2) Adopt Resolution No. 4145 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".

The motion carried by the following vote:

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

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Ta reported that he and Mayor Rice along with staff went to Washington D.C. to ask for support of our City projects. He also stated that he presented Bao Huu Mai a Certificate of Commendation for his humanitarian efforts and commitment to fighting for human rights in Vietnam.

Mayor Pro Tem Quach wished Council Member Ta a Happy Birthday.

5.2 AB 1234 Reports

Mayor Rice reported that she went to Washington D.C. along with Council Member Ta, Police Chief Hall, Captain Coopman, Public Works Director Marwan Youssef, and Assistant to City Manager Tami Piscotty to lobby with the federal legislators.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.2 Select Study Session Meeting Dates for the Review of Current Water Rate Structure. (103-08)(08)

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to select Monday, June 23, 2008 at 6:00 p.m. to hold a study session on the review of the current water rate structure. The motion carried by a 5-0 vote.

Council Member Marsh requested that the materials for the June 23, 2008 study session be available for the Council's review by Thursday, June 12, 2008.

6.3 Selection of Date for the Fiscal Year 2008-09 and 2009-10 Budget Study Session. (103-08)(08)

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to select Tuesday, May 13, 2008 at 6:00 p.m. to hold a study session to review the fiscal year 2008-09 and 2009-10 budget. The motion carried by a 5-0 vote.

6.4 Selection of Special Meeting date for the approval of the form of bond documents, preliminary official statements and bond purchase agreements for the refinancing of the Series 1997 A Tax Allocation Bonds, 1998 A Certificates of Participation Civic Center Refunding Bonds and the 1998 B Water System Refunding Bonds. (103-08)(08)

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to select Wednesday, April 16, 2008 at 5:45 p.m. to have a Special Meeting. The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) - None

8. LEGISLATIVE ITEMS

8.1 Ordinance No. 2430 - City Initiated Code Amendment Relating to Graffiti. (209-05)

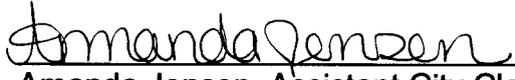
Darrell Nolta, Westminster resident stated that he is opposed to graffiti and supports the intent of the Ordinance, but he expressed his concerns in regards to the constitutionality of the anti-vandalism provisions. Mr. Nolta asked what the cost is of graffiti removal.

Council Member Marsh spoke in regards to the Ordinance and proposed that the Council approve the Ordinance as it is now tonight, but in the near future assess the Ordinance and make it more realistic.

The City Attorney suggested that the Council approve the Ordinance as a first reading and then have Council Member Marsh evaluate the contents.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to introduce Ordinance No. 2430 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster to amend Sections 9.38.010 through 9.38.090 of Title 9 (Public Peace, Morals and Welfare) of the Westminster Municipal Code, relating to Graffiti", and waive further reading.

9. **COMMISSION AND COMMITTEE ITEMS - None**
10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:58 p.m. to Wednesday, April 16, 2008 at 5:45 p.m. in the Council Chambers for the purpose of a Special Meeting. Mayor/Agency Chair Rice adjourned the meeting in memory of Charlton Heston.


Amanda Jensen, Assistant City Clerk/
Agency Secretary