

"Approved by the City Council/Redevelopment Agency Board on October 8, 2008"

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
August 27, 2008

The City Council/Agency Board of the City of Westminster, California convened on August 27, 2008 at 7:08 p.m. in a Regular Meeting in the Council Chambers, 8200 Westminster Boulevard, Westminster, California.

7:00 P.M.

CONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL

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

SALUTE TO FLAG: Council Member Fry

INVOCATION: Council Member Ta

SPECIAL PRESENTATIONS:

- A. A Resolution of Commendation was presented to John Seymour, editor and reporter for the Orange County News and Westminster Journal upon his retirement. (115-00) (08)
- B. A Certificate of Appreciation was presented to Pete Santini, Santini Paint & Body and Boyd Cohen, Permanent Impressions for helping fix up a new van for the City's Mobile Van Program.

Mr. Cohen of Permanent Impressions pledged to donate \$100 for the permit fee waiver requested by Westminster Foursquare Church for their 10th Annual Classic Car Show to be held on October 18, 2008. (Item No. 1.7 on agenda).
- C. County of Orange Presentation on the Regional Wireless Feasibility Study. This presentation was pulled from consideration.

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.

- 1) **Item No. 4.1 – Case No. 2006-24; Review of the January 24, 2007 issued Conditional Use Permit, Site Plan and Design Review for the 7-Eleven Market located at 13982 Bolsa Chica Road.**

An e-mail received on August 26, 2008 from Henry DeGuzman, Grambling Circle.

2) **Item No. 6.1 – Award of Contract for the Installation and Construction of Traffic Signal Control System, Controller Upgrades, CCTV Camera, Video Detection System and Fiber Optic Interconnect.**

A memo from Marwan Youssef, Public Works Director/City Engineer with the following attachments:

1. City Attorney letter to California Engineering & Contracting (CEC) dated August 6, 2008
2. Letter to the City dated August 14, 2008 from Muzi & Associates, representing CEC.
3. Letter to the City dated August 25, 2008 from Muzi & Associates.
4. Five e-mails showing that Jamal Deaifi was the main contact for CEC projects.
5. CEC letter to the City of Pasadena signed by Jamal Deaifi, and a sign-in sheet for a pre-construction meeting.

3) **Item No. 6.5 – Joint Meeting with Westminster School District.**

- a) A letter dated and received August 26, 2008 from Vivian Kirkpatrick-Pilger.
- b) An e-mail received on August 27, 2008 from Stephanie Erickson.

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Motion was made by Mayor Rice, seconded by Council Member Ta, to bring forward Item No. 5.3 on the agenda at this time. The motion carried by a 5-0 vote.

5.3 County Proposition 1B Funds (Bolsa Avenue Traffic Abatement Project – Agreement No. D08-043) (607-08)

RECOMMENDATION: Approval of the revised Cooperative Agreement between the County of Orange and the City of Westminster for County Proposition 1B Funds (Bolsa Avenue Traffic Abatement Project – Agreement No. D08-043. with revision contained in letter dated August 15, 2008).

Motion was made by Mayor Rice to pull this item from consideration. She stated that she had requested that this item be agendaized to receive Council input. However, she did not agree with the revision to the letter that was sent to her and does not want any action taken on this item under her proposal. Mayor Rice stated that she is very much in favor and has always supported the bridge. However, she is not in support of the letter the way that it was written that is expected for the Council to accept, as the City has not had any negotiations with the County as stated in the letter.

Council Member Marsh seconded the motion to pull this item from the agenda. He said he is deeply troubled by the expressed material falsehood in the letter from the County.

Darrell Nolta, Westminster resident, expressed his opposition to the bridge and supports its continuance. He asked what the falsehood is that was contained within the letter.

Mayor Rice responded that the letter states that there were negotiations between the County and the City and there have not been any negotiations.

Laura Hien Tran, Westminster resident and activist in the Vietnamese community since 1990, expressed support for the bridge.

Dina Nguyen, Westminster resident, believes the Proposition 1B funds could be better spent to fix potholes and address traffic congestion problems in other areas of the City. If the bridge were approved, she is concerned about homelessness and drug dealings in the area of Asian Garden Mall.

Dong, Westminster resident, expressed support for the proposed bridge.

Peter Dinh Hu, Westminster resident, expressed his opinion on the proposed bridge.

Mayor Rice clarified that the revised letter that was put in the agenda reads, "Based on negotiations between the County and the City which took place...". She said there have been no negotiations to her knowledge and she will not have the Council vote on something that is not clear. She does support the bridge and does believe that it will help the traffic and pedestrian problems, but she will not vote on something which is not what she desires to recommend.

The motion carried by the following vote:

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

Mayor Pro Tem Quach stated that he wants the record to be clear that this is the very first time tonight that something like this issue has been brought to him, Council Member Ta, or to the Council. No attempt from the County has been made to his office, and he did not have a chance to talk to anybody from the County in regards to this issue. He would be happy to talk to anybody who wants to work with his office.

City Manager Silver clarified that several months ago he and Mayor Rice attended a press conference and saw the conceptual renderings for the pedestrian bridge to go over Bolsa around Moran Street. After that press conference, at a subsequent Council meeting, Mayor Pro Tem Quach asked if we had negotiated any deal or if staff was spending time on this. At that meeting, he promised Council that staff would not work on this matter until a letter was

received from the County, and that letter was placed on a Council agenda for Council to decide whether staff should or should not work on this project. He did authorize engineering to talk to the County engineering staff as to what the permit was they should apply for in their letter, and what the schedule of process would be.

Council Member Ta stated the letter from the County dated August 15, 2008 is incorrect and inappropriate, because the City had not made any negotiations with the County.

Council Member Marsh commented that he wants things of this magnitude reviewed and reported on by City staff and not the County staff. He was aware that staff had prepared a report and intended to submit one, but it was pulled and something different was put in his place. He was troubled that a member of the County staff contacted our City and wanted to know what the "draft" agenda item was, and proposed a differently phrased agenda item. He would like a clear policy in the future regarding giving out draft agenda information to non-City personnel.

Council Member Fry said he would like to see this project revisited. There are a lot of safety issues for people trying to cross Bolsa Avenue, which is the reason for his abstention.

Mayor Rice said she too is not opposed to the safety component of the proposed bridge but she wants City staff to handle it.

City Manager Silver stated that before the letter was sent to the City, he met with the County CEO's office and did talk about the letter and the issues in the letter of the first draft. He talked to the CEO's office after the letter came in before he went on vacation. There were conversations about some of the issues in the letter.

1. CONSENT CALENDAR

ROUTINE MATTERS

1.1 Proclamation proclaiming and declaring May 1, 2009 as Silver Star Banner Day in the City of Westminster. (115-00) (08)

ACTION: Approved.

1.2 Acceptance of State Law Enforcement Services Funds (SLESF) FY 2008-09 (109-06)

ACTION: The Mayor and City Council accepted the State Law Enforcement Subvented Grant Funds in the amount of approximately \$117,000 for FY 2008-09 for the funding offset of one police sergeant position at the Police Department.

(REMOVED AND HEARD SEPARATELY)**1.3 Agreement with the County of Orange Authorizing the Utilization of the County's Mass Notification System. (502-15)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an agreement with the County of Orange for the period August 15, 2008 to June 30, 2012, authorizing the City of Westminster to utilize the County's Mass Notification System, and authorize the City Manager to execute the agreement on behalf of the City.

The County of Orange agrees to fund the system for emergency notifications and to purchase updated information and equipment for the continued use of the system.

Darrell Nolta, Westminster resident, spoke in opposition to the approval of this system due to concern with the security of the database.

Motion was made by Mayor Pro Tem Quach, seconded by Council Member Ta to approve an agreement with the County of Orange for the period August 15, 2008 to June 30, 2012, authorizing the City of Westminster to utilize the County's Mass Notification System, and authorize the City Manager to execute the agreement on behalf of the City.

Council Member Marsh asked that the Police Department look into viable options for dealing with privacy concerns and whether additional protections could be taken care of.

Motion was made by Council Member Marsh, seconded by Mayor Pro Tem Quach to continue this item to the September 10, 2008 meeting. The motion to continue the item carried by a 5-0 vote.

1.4 Sole Source Purchase of One New Farrow 60 Graffiti Removal Unit (106-00) (08)

ACTION: The Mayor and City Council approved the purchase of one Farrow 60 Graffiti Removal Unit from Quinn Rental Services, in the amount of \$22,304.25.

1.5 New Classification Specification for Police Aide and Revised Classification Specification and Title for Police Dispatcher (110-04)

ACTION: The Mayor and City Council:

A. Approved the new classification specification for Police Aide; and

- B. Approved the revised classification specification and title change for Police Dispatcher.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.6 **Resolution No. 4180 – A Resolution of the Mayor and City Council of the City of Westminster Providing for a Compensation Plan for Part-Time Employees of the City of Westminster (110-02)**

ACTION: The Mayor and City Council adopted Resolution No. 4180.

ADMINISTRATIVE ITEMS

- 1.7 **Special Event Permit Application from Westminster Foursquare Church to hold their 10th Annual Classic Car Show on Saturday, October 18, 2008 Between the hours of 6:00 a.m. and 2:00 p.m. (Includes set up and clean up times). The Actual Event will take Place from 9:00 a.m. until 1:00 p.m. The event will take place at the Westminster Foursquare Church located at 8091 22nd Street, Westminster. Applicant Estimates the Attendance will be 1,000 People (201-02 (WE) (702-06)**

ACTION: The Mayor and City Council:

- 1) Approved the request from Westminster Foursquare Church to waive the \$100 Special Event Permit fee; and
- 2) Approved the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER

- 1.8 **(City Council/Redevelopment Agency) Warrant Register dated August 6 through 19, 2008. (105-09) (08)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.9 **Minutes of the Planning Commission meeting held July 16, 2008 (104-11)**

ACTION: Received and filed.

- 1.10 **Community Development Monthly Activity Report – July 2008 (216-01) (08)**

ACTION: Received and filed.

Motion was made by Mayor Pro Tem/Vice Chair Quach, seconded by Council/Agency Member Fry to approve the Consent Calendar, with the exception of Item No. 1.3, which was pulled for separate consideration. The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Judy Ahrens, Westminster resident, encouraged support of Proposition 8 on the November ballot and urged calling Governor Schwarzenegger to express opposition to AB2567. She expressed strong support of family values.

Darrell Nolta, Westminster resident, expressed his opposition to communist China hosting the Olympics; addressed the recent 911 emergency system failure by the telephone company; and spoke about a newspaper article titled, "State Budget - A Coming Crisis in the Orange County Emergency Services". He addressed economic concerns in Orange County and the need for the County and City to do the best they can. More services are needed and the people need to know about the services.

Vivian Kirkpatrick-Pilger, Westminster resident, reminded everyone that about a year or two ago, Mr. Nolta spoke about what the economic times would be like now.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on August 20, 2008

The Community Development Director reviewed the actions of the Planning Commission meeting of August 20, 2008.

- 1) Case 2008-30 a Site Plan and Design Review involving the conversion of an existing garden center to indoor sales area and expansion of the existing store (Target) at 16400 Beach Boulevard.
- 2) Case 2008-44 a Conditional Use Permit to allow the sale of beer and wine in conjunction with an existing restaurant (Cat's Restaurant) at 15496 Magnolia Street #101
- 3) Case 2008-32 an amendment to a Conditional Use Permit to expand live entertainment from weekends (Saturday and Sunday) to Friday through Sunday at an existing restaurant (Paracel Seafood).

Motion was made by Mayor Pro Tem Quach, seconded by Council Member Ta, to receive and file Item Nos. 3.1(1) and 3.1(3). In regards to Item No. 3.1(2), Council Member Marsh requested staff get back to him on whether there were any prior alcohol related offenses. As of now, he requested that this item be pulled. The motion carried by a 5-0 vote.

4. PUBLIC HEARINGS

4.1 REVIEW OF THE JANUARY 24, 2007 ISSUED CONDITIONAL USE PERMIT, SITE PLAN AND DESIGN REVIEW (CASE NO. 2006-24), WHICH ALLOWED THE CONSTRUCTION AND OPERATION OF A FOOD MARKET WITH OFF-SALE OF BEER AND WINE IN CONJUNCTION WITH AN AUTOMOBILE SERVICE STATION TO OPERATE 24-HOURS A DAY (7-ELEVEN MARKET), LOCATED AT 13982 BOLSA CHICA ROAD (ASSESSOR'S PARCEL NUMBER 203-173-04); PROPERTY OWNER: LINDA ZONANA AZOULAY OF AZ INVESTMENT GROUP, LLC; APPLICANT: RHL DESIGN GROUP (201-00) (CN 2006-24)

Planning Manager Art Bashmakian reported that in January, 2007 the Council approved the development and operation of the 7-11 market and service station. Because of concerns relating to the 24-hour operation and other concerns in general, the Council imposed a condition that a public hearing be held six months after the start of operation. The purpose of the hearing is to review the operations and impact to the new use, and hear from the area residents. To better insure that the operation does comply with the conditions of approval, staff is recommending an additional condition requiring that the applicant or the property owner inform the on-duty manager regarding the condition of approval. The condition will state that failure to implement and comply with this condition may constitute grounds for modification or revocation of the conditional use permit.

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

Jeff Tucker, 7-Eleven, Incorporated, spoke in support of the 7-Eleven and in favor of their operator, Mr. Paul Ghuman.

Navdeep Bossi, brother of Paul Ghuman, spoke in support and will continue to support and address issues in the neighborhood and community. Mr. Bossi said that he does agree to the new condition, and that they have included the concerns with delivery, etc. as part of their employee training. The store manager has also been notified and agreed to the additional condition.

Paul Ghuman, on behalf of himself and 7-Eleven, Inc. spoke in support and addressed his active involvement in helping out in the community.

William Halverson, 7-Eleven, Inc., said that Paul Ghuman and Navdeep Bossi are well respected franchisees and have received numerous awards for their operations and their charitable nature.

Yolanda Hultrey, Westminster resident, said she previously had concerns with the 7-Eleven store, and after six months, she has not had any problems with the store. The neighborhood is still quiet and the store is very convenient for her. She said she also was speaking on behalf of Mark Harley who also supports the 7-Eleven but was unable to attend the meeting.

Sam Ghattas, Westminster resident living across the street from the 7-Eleven, spoke in support of the 7-Eleven and its operators.

Judy Ahrens, Westminster resident, commented that all businesses should be kept clean.

MAYOR RICE ASKED IF ANY PERSONS WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, Westminster resident, expressed opposition, citing concerns with the illegal delivery of gasoline and the description of when the people cannot sell alcohol.

SPEAKING IN REBUTTAL:

Jeff Tucker, 7-Eleven, Inc., said an even tighter timeframe is given to the trucks delivering gasoline. They are working with the employees and staff to fully understand the conditions and turn away deliveries. They will continue to work on this matter to insure that it is not a problem.

Paul Ghuman, 7-Eleven, said the concern with the deliveries of gasoline has been addressed with their vendors and employees.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Mayor Pro Tem Quach, seconded by Council Member Ta to adopt Resolution No. 4176 entitled "A Resolution of the Mayor and City Council of the City of Westminster affirming the conditional use permit, site plan and design review granted on January 24, 2007 which allowed the construction and operation of a food market with off-sale of beer and wine in conjunction with an automobile service station to operate 24-hours a day (7-Eleven Market), located at 13982 Bolsa Chica Road (Assessor's Parcel Number 203-173-04) (Case No. 2006-24)."

The motion carried by the following vote:

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

Mayor Rice recessed the meeting at 8:40 p.m. and reconvened the meeting at 9:02 p.m. All members of Council were present.

4.2 TIME SET FOR A PUBLIC HEARING ON THE IMPLEMENTATION OF CHAPTER 13.14 "EMERGENCY WATER MANAGEMENT PROGRAM", SECTION 13.14.040 "CONSERVATION PHASE IMPLEMENTATION", OF THE WESTMINSTER MUNICIPAL CODE WHICH CALLS FOR PHASE 1 VOLUNTARY REDUCTION IN WATER USAGE (610-02)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4173 entitled, "A Resolution of the Mayor and City Council of the City of Westminster declaring Phase 1-Voluntary Water Conservation of Chapter 13.14, Section 13.14.030, of the Westminster Municipal Code."

Public Works Director/City Engineer stated that on June 4, 2008 the Governor declared California to be in a drought. He gave a PowerPoint presentation on this item. (Presentation on file in the City Clerk's office). To implement the proposed Phase 1 Voluntary Water Conservation would propose a voluntary ten (10) percent reduction of water for all consumers based on usage for the same time last year, with the exception of commercial customers who are asked to reduce their consumption by five (5) percent.

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

Darrell Nolta, Westminster resident, spoke in support of the spirit of water conservation but expressed concerns with, and clarification of, the language in the proposed resolution.

MAYOR RICE ASKED IF ANY PERSONS WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

Vivian Kirkpatrick-Pilger, Westminster resident, asked when the water rate structure is going to be fixed. She doesn't think it is fair to use last year as the base year and expressed her opposition to the voluntary sounding mandatory water rationing.

Judy Ahrens, Westminster resident, spoke in opposition based upon the vague language in the proposed resolution.

SPEAKING IN REBUTTAL:

Darrell Nolta, Westminster resident, commented on the need to reduce our use of water and not waste water. He further spoke in opposition to the three-tier system.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Council Member Ta spoke in support of the proposal, but asked that the City Council either modify the language in No. 6 or remove it completely from the resolution.

Motion was made by Council Member Marsh, seconded by Council Member Ta to direct staff to send letters to the appropriate authorities in Sacramento and to the school district asking them to inform us of what they are doing and what their specific plan is to reduce water usage on their state and state school properties. Also, to have a report from staff on what staff is proposing to reduce the City's water usage. Changes to the proposed resolution including the inclusion of last year as the base year, were proposed as follows:

That Voluntary Water Conservation, as provided for in Section 13.14.030 of the Westminster Municipal Code, is hereby declared, which provides for a ten percent reduction in water usage from prior consumption (base year) for the same billing period. All customers are asked, but are not required, to meet the following proposals:

1. Single family residential units are asked to reduce consumption by at least 10% from the base year or use less than 450 gallons of water per day.
2. Mobile home units are asked to reduce consumption by at least 10% from the base year or use less than 250 gallons average per residential or mobile home unit of water per day.
3. Multi-unit residential, apartment buildings and motel buildings are asked to reduce consumption by at least 10% from the base year or use less than 300 gallons per apartment unit of water per day.
4. No water should be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or similar structures used for aesthetic purposes, unless such water is part of a recycling system.
5. No restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale, should serve drinking water to any person unless expressly requested.

6. No water customer should knowingly permit water to leak from any facility on the customer's premises.
7. No Lawns, landscape, and other turf areas should not be watered or irrigated between the hours of 10:00 a.m. and 5:00 p.m.; commercial nurseries, and drip irrigation systems are not the subject of this request.
8. Water customers should not knowingly water or irrigate any lawn, landscape or other turf area in a manner that cause or allows excess water flow or runoff onto an adjoining sidewalk, driveway, street, gutter, or ditch.
9. All commercial and industrial business establishments are asked to reduce water consumption by five (5) percent per billing based on last year's usage during the same billing period.
10. This system is strictly voluntary and there are no compulsory requirements. There are no penalties, forfeitures, charges, fees or other punishments that will be implied to those who for whatever reason cannot or do not meet these requests.

The motion carried by the following vote:

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

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Ta welcomed the new Community Development Director, Doug Mclsaac. He reminded everyone of the Go-Local workshops to be held on September 3rd and 4th. He spoke about the September 7th family celebration at Sigler Park. Council Member Ta asked for permission from Council to send a reminder letter of the Go-Local meeting to residents of his mobile home park.

Mayor Rice invited everyone to the September 11th Remembrance at Sid Goldstein Freedom Park. She expressed her disappointment about the pothole remarks made earlier in the evening and complimented staff on the outstanding job they do on the streets in the City.

5.2 AB 1234 Reports – None.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Award of Contract for the Installation and Construction of Traffic Signal Control System, Controller Upgrades, CCTV Camera, Video Detection System and Fiber Optic Interconnect (502-16)

Motion was made by Mayor Pro Tem Quach, seconded by Council Member Ta to approve the award of contract to the second lowest and most qualified and responsive bidder in the amount of \$699,176.23 to Pouk & Steinle, Inc. and that all other bids be rejected; and that the City Manager be authorized to execute the contract on behalf of the City.

The Director of Public Works/City Engineer Marwan Youssef explained the reason for the award of contract to the second lowest bidder. During the evaluation of the bids, it was discovered that Mr. Jamal Deaifi of Inspection Engineering & Construction (IEC) has recently been debarred from the County of Los Angeles from doing any work for ten years. Also, from the City's investigation, it was determined that Mr. Deaifi is now working for California Engineering & Contracting (CEC). Upon further investigation, it was discovered that the company official's currently employed by CEC were also active participants of the IEC projects. Mr. Jamal Deaifi is now working for CEC and previously worked on a job for the City at which he did not do a good job. Mr. Youssef provided additional evidence that was provided to the City Council and submitted to the City Clerk for the official record.

Assistant City Attorney Christian Bettenhausen stated that the key issue is for Council to find that CEC is not responsible enough to the City standards to accept their bid, which is the reason for providing the evidence. Staff is recommending that CEC be found a non-responsible bidder on the proposed project.

Council Member Marsh stated that, based upon the documentation provided in the staff report and the additional documentation provided at this meeting, he is confident that staff's and the City Attorney's recommendation are sound.

Motion was made by Council Member Marsh, seconded by Council Member Fry to approve the award of contract to the second lowest and most qualified and responsive bidder in the amount of \$699,176.23 to Pouk & Steinle, Inc. with a finding that the low bidder, California Engineering & Contracting (CEC) was not a responsible bidder; reject all other bids; and that the City Manager be authorized to execute the contract with Pouk & Steinle, Inc. on behalf of the City.

Darrell Nolta, Westminster resident, commended staff relative to the contractor issue. He expressed concern that the scope of work was not included with the document. He asked how many intersections are involved with the traffic signal control systems, controller upgrades, CCTV cameras, video detection systems and fiber optic interconnects. Mr. Nolta expressed concern with the security of these electronic networks.

Public Works Director Youssef said the project consists of replacing about 66 controllers city-wide. Approximately 19 intersections will get CCTV cameras and fiber optics. He noted that this is a continuation of a previous phase that has already been completed. The goal is to have all the signals interconnected to communicate to City Hall via fiber optics and update the traffic controllers' city-wide.

The motion carried by a 5-0 vote.

6.2 Change Order with Thomco Construction, Inc. and Notice of Completion for Work Performed for Women's Employee Restroom Remodel at City Hall Building (502-20)

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

- 1) Approve a CIP budget transfer in the amount of \$2,598.82 from the City Hall Breakroom project to the City Hall Women's Restroom Remodel; and
- 2) Authorize an increase of \$6,826.82 to purchase order no. 5462 with Thomco Construction, Inc.; and
- 3) Accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

The motion carried by a 5-0 vote.

6.3 One Time Police Supplemental Retirement Annuity Purchase (110-02)

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

- 1) Approve the purchase of an annuity with Pacific Life for the City of Westminster PARS Retirement Plan Benefit in the amount of \$2,155,654.31; and
- 2) Authorize the City Manager to execute the PARS Supplementary Retirement Plan (SRP) on behalf of the City.

The motion carried by a 5-0 vote.

6.4 Reimbursement of Lease Purchase Program Administration to American Family Housing, Inc. (502-01)

Motion was made by Agency Member Ta, seconded by Vice Chair Quach that the Chair and Agency Board:

- 1) Authorize the transfer of funds in the amount of \$20,767.65 from the Redevelopment Fund Contingency to the Redevelopment Low-Mod Housing Fund Contractual –Other; and
- 2) Approve the reimbursement of the Lease Purchase Program Administration cost in the amount of \$20,767.65 to American Family Housing, Inc.

The motion carried by a 5-0 vote.

6.5 Joint Meeting with Westminster School District (103-08)

RECOMMENDATION: Staff recommends that the Mayor and City Council schedule Tuesday, September 30, 2008 at 6:00 p.m. in the East/West room in the Community Services Building for a Joint Meeting at the request of the Westminster School District to discuss the upcoming bond measure.

Judy Ahrens, Westminster resident, addressed her concerns with Measure O for \$130 million, and urged the Council to table this item and give it more thought.

Vivian Kirkpatrick-Pilger, Westminster resident, further addressed concerns with Measure O.

Council Member Marsh commented that he doesn't understand why staff is recommending a joint meeting with the Westminster School District. He does not like the idea of the City putting itself in a situation where it would look as if the City were endorsing a measure that is outside of its jurisdiction.

Motion was made by Mayor Pro Tem Quach, seconded by Council Member Fry, to respectfully decline meeting with the Westminster School District at this time for purpose of discussing the bond. The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS

- 8.1 **The Mayor and City Council's Request to Review the Planning Commission's Action on Case 2008-58 an Application Requesting to Maintain a Temporary Tent on Days Where no Outdoor Parking Lot Sales will Occur (on Mondays Through Thursdays) for a Duration of August 19th to September 8th, 2008 at the Rear Parking Lot of Linder's Furniture Store Located at 15011 Beach Boulevard (Assessor's Parcel Number: 142-032-15); Applicant: Mark Kantor; Property Owner: Phillip Linder & Associates (201-00) (CN 2008-58)**

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council adopt Resolution No. 4182 Entitled: "A Resolution of the Mayor

and City Council of the City of Westminster upholding the Planning Commission's determination that a temporary tent to remain on the site from August 19 to September 8, 2008 associated with a parking lot sale is consistent with the Westminster Municipal Code at Linder's Furniture store, a commercially zoned property, located at 15011 Beach Boulevard (Assessor's Parcel Number 142-032-15) (Case No. 2008-58).

Mayor Rice stated that she objected to this, but has been convinced that it is appropriate, so she wished to withdraw her objections.

Motion was made by Mayor Pro Tem Quach, seconded by Council Member Ta to approve the Mayor's withdrawal of her objections to this item. The motion carried by a 5-0 vote.

8.2 The Mayor and City Council's Request to Review the Planning Commission's Action on Case 2008-24 an Application for a Design Review to Remodel the Exterior Façade of an Existing Retail Center Located at 9251 Bolsa Avenue (Assessor's Parcel Number 098-56-305); Applicant: Lee's Sandwiches – Cheuk Yau; Property Owner: Chieu Van Le (201-00) (CN 2008-24)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4181 entitled: "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission denial of a Design Review to allow an exterior façade modification that is not consistent with the City's design standards for the property located at 9251 Bolsa Avenue (Assessor's Parcel Number 098-563-05) (Case No. 2008-24)."

Mayor Pro Tem Quach stated that he asked that this item be reviewed. He said that approximately one year ago, a restaurant burned down and the site is in desperate need of rehabilitation, as far as the façade is concerned. Many buildings do not have the Asian architectural style. They are proposing a façade similar to the newly remodeled Hanoi Plaza. He asked that Council give favorable consideration to the applicant's proposal and allow him to redo the façade at his expense.

Bart Kasperowicz, commented that the Catina Plaza is similar in structure and style, as well as the Hanoi Plaza across the street, which only differs in color. A lot of time, effort, and finances have been put into the façade remodel.

Planning Manager Art Bashmakian commented that the code requires that when there is a new development or a façade improvement that the design theme needs to incorporate architectural elements, similar to those found on buildings constructed in Vietnam in the early 1900's in the French colonial tradition. Also, the code allows the use of design elements and details that follow traditional

Chinese architectural theme. He believes that the Design Guidelines were adopted in the early to mid 1990's.

Council discussion ensued relative to the current design guidelines and the proposed façade improvements.

Motion was made by Council Member Fry, seconded by Council Member Ta to override the Planning Commission's denial of a Design Review to allow an exterior façade modification that is not consistent with the City's design standards for the property located at 9251 Bolsa Avenue (Case No. 2008-24) and direct staff to come back with a resolution.

The motion carried by a 5-0 vote.

9. COMMISSION AND COMMITTEE ITEMS

9.1 Request to Install parking Restrictions on Milton Avenue between Willow Lane and Hefley Street – T.C. 80-112 (608-02)

Motion was made by Mayor Pro Tem Quach, seconded by Council Member Ta to approve the recommendation of the Traffic Commission and adopt Resolution No. 4178 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 North Side of Milton Avenue, West of Willow Lane."

The motion carried by the following vote:

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

9.2 Request to Install Parking Restrictions on the North Side of Bishop Place, East of Weststate Street (Rear Driveways to Asian Garden Mall-9200 Bolsa Avenue) – T.C. 80-113A (608-02)

Motion was made by Council Member Fry, seconded by Council Member Ta to approve the recommendation of the Traffic Commission and adopt Resolution No. 4179 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 North Side of Bishop Place, East of Weststate Street."

The motion carried by the following vote:

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

ABSTAIN: NONE
ABSENT: NONE

10. **COUNCIL/AGENCY ADJOURNMENT:** Mayor Rice adjourned the meeting at 10:34 p.m.



Marian Contreras, City Clerk/Agency Secretary