

"Approved by the City Council/Redevelopment Agency Board on February 11, 2009"

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

**WESTMINSTER, CALIFORNIA
January 14, 2009**

The City Council/Agency Board of the City of Westminster, California convened on January 14, 2009 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: 6:30 p.m.

ROLL CALL:

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

CLOSED SESSION:

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

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a); Existing Litigation: Somer Fox v. City of Westminster (Workers' Compensation case).
- 2) Conference with Legal Counsel pursuant to Government Code Section 94956.9(b): Anticipated Litigation (one potential case) re. 14352 Beach Boulevard, Westminster.

RECESS: At 6:55 p.m., Mayor Rice recessed the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

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

ROLL CALL:

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

SALUTE TO FLAG: Mayor Pro Tem Ta

INVOCATION: Council Member Fry

REPORT OUT OF CLOSED SESSION – None

SPECIAL PRESENTATIONS:

- A. James McQueen, Orange County Human Relations Commission, presented the Annual Report to the Mayor and City Council.
- B. The Mayor and City Council recognized Detective Jim Wilson, recipient of the 2008 OC Gang Investigator of the Year Award.
- C. Jerry Householder, Boeing Company, presented a donation of \$3,000 to the Project SHUE Program.

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.

Item No. 9.1 – Appointments to Commissions and Committees (104-00)

Seven (7) Applications for Appointment received in the City Clerk's office on January 14, 2009 and updated pages to the staff report.

Item No. 9.4 - Appeal of the Traffic Commission's Denial of a Request for On-Street Disabled Parking at 16461 Van De Velde Way (608-02)

A letter from Diane and Dave Cook, 16470 Van de Velde Way, dated and received on January 14, 2009 expressing support of the Traffic Commissions denial.

A letter from Rick Gosliga, Jane Gosliga, and Jaclyn Gosliga, 16491 Van de Velde Way, dated and received on January 14, 2009 expressing support of the Traffic Commission's denial.

1. CONSENT CALENDAR**APPROVAL OF MINUTES**

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of December 3, 2008 and Minutes of the Regular Meetings of the City Council/Redevelopment Agency of December 24, 2008.**

ACTION: Approved.

ROUTINE MATTERS

- 1.2 **Claims Against The City (119-02)**

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

- a) Karen Vu Nguyen in an unknown amount
- b) Andrew Nguyen in an unknown amount
- c) Loan Thi Vu in an unknown amount
- d) Erin Mertan in the amount of \$25,000.00
- e) Queen Hoang for Mai Hoang in the amount of \$125,000.00
- f) Lisa Huynh in the amount of \$2,000.00
- g) Deborah Chavez in the amount of \$510.58

1.3 Annual Software Maintenance for the City's Financial, Payroll, and Utility Billing Systems. (502-05)

ACTION: The Mayor and City Council authorized a purchase order in the amount of \$48,322.66 to Tyler Technologies, Inc., Eden Systems Division for annual software maintenance and support services.

1.4 Purchase of Four Police Cars. (106-00)(09)

ACTION: The Mayor and City Council authorized a purchase order in the amount of \$96,729.84 to McPeek's Dodge for the purchase of four black patrol cars.

1.5 Agreement to Transfer Property or Funds for the 2008 Homeland Security Grant Program Purposes (502-01)

The Mayor and City Council entered into an agreement with the City of Anaheim for transfer or purchase of equipment/services and the reimbursement of training costs for FY 2008 Urban Areas Security Initiative (UASI), and authorized the Chief of Police to execute the agreement on behalf of the City.

1.6 Agreement to Provide Trash Pick-up Services for City Facilities. (502-18)

ACTION: The Mayor and City Council approved an Agreement with Rainbow Disposal Company, Inc. and authorized the City Manager to execute the agreement on behalf of the City.

1.7 New Classification Specification – City Housing Coordinator (110-04)

ACTION: The Mayor/Chair and City Council/Agency Members approved the new classification specification for City Housing Coordinator.

1.8 Award of Bid for Purchase of One Ton Truck with Service Body. (502-02)

ACTION: The Mayor and City Council approved the purchase of (1) One Ton Truck with Service Body in the amount of \$29,828.00 from Burch Ford.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.9 Resolution No. 4205 – A Resolution of the Mayor and City Council of the City of Westminster Determining Service Areas for Community

Development Block Grant Funded Projects Specified in the Fiscal Year 2008-09 Annual Action Plan. (109-00)

ACTION: The Mayor and City Council adopted Resolution No. 4205.

- 1.10 Resolution No. 4208 - A Resolution of the Mayor and City Council of the City of Westminster Providing for a Compensation Plan for the Employees Represented by the Westminster Municipal Employees' Association. (110-02)**

ACTION: The Mayor and City Council adopted Resolution No. 4208.

Resolution No. 4209 - A Resolution of the Mayor and City Council of the City of Westminster Providing for a Compensation Plan for Employees Represented by the Westminster Police Officers' Association. (110-02)

ACTION: The Mayor and City Council adopted Resolution No. 4209.

Resolution No. 4210 - A Resolution of the Mayor and City Council of the City of Westminster Providing for a Compensation Plan for the Management/Administrative/Confidential Employees of the City of Westminster. (110-02)

ACTION: The Mayor and City Council adopted Resolution No. 4210.

ADMINISTRATIVE ITEMS**(ITEM REMOVED AND HEARD SEPARATELY)**

- 1.11 Annual fee waivers for Community Groups/Non-Profit Organizations. (702-06)**

Council Member Diep requested that staff provide an explanation as to how the blanket fee waiver would affect the City's Budget this year and in future years.

Diana Dobbert, Community Services Manager informed the Council that the process of bringing all the nonprofit fee waiver requests to Council at once began three years ago.

The City Manager informed the Council that the lost revenue for the year would be \$11,414.99.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Fry to approve a blanket request for fee waivers from community groups/non-profit organizations for use of City facilities for calendar year 2009, as referenced in Exhibit "A" attached to the staff report. The motion carried by a 5-0 vote.

- 1.12 Fee Waiver request from the American Cancer Society to hold their annual Relay for Life Kick Off on March 26, 2009 from 5:00 p.m. – 8:00 p.m. in the East and West Room of the Community Services Building. (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.

WARRANT REGISTER

- 1.13 (City Council/Redevelopment Agency) Warrant Register dated December 3, 2008 through January 6, 2009. (105-09)

ACTION: Approved.

INFORMATION AND REPORTS

- 1.14 Minutes of the Planning Commission meetings held November 19, 2008. (104-11)

ACTION: Received and filed.

- 1.15 Community Development Monthly Activity Report – November 2008. (216-01)

ACTION: Received and filed.

- 1.16 Treasurer’s Report – November 2008 (105-08)

ACTION: Received and filed.

Motion was made by Council/Agency Member Quach, and seconded by Mayor Pro Tem/Vice Chair Ta to approve the Consent Calendar with the exception of Item No. 1.11 which was pulled for separate consideration. The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Syed Shah, Best Western in Westminster thanked the Mayor and City Council for their support of the Westminster businesses.

Dale Bradberry, Westminster resident expressed his concerns of City employees driving City vehicles during the evenings and weekends.

Mayor Rice requested a list of employees who have the access to City vehicles.

The City Manager requested the Public Works Director to confirm the City vehicle policy and to provide a list of vehicles that go home with City employees.

Lee Lieberg, Westminster resident spoke in regards to a church that is being built behind his house. He explained he didn't realize how big the structure was going to be, because the Public Hearing Notice that was mailed out was not specific enough.

Michael Carrillo, Westminster resident spoke in regards to a Notice of Violation that he received for his hedges being too high and unkempt. He asked where the 36 inches stated in the violation came from, because it is not in the Westminster Municipal Code.

Matt Peterson, Westminster resident spoke in regards to his violation for his hedges being too high. He displayed pictures of his property that illustrate a well maintained hedge. He inquired as to why the City requires the hedges to be 36 inches high.

Vicki Morgan, Code Enforcement Manager stated that the Municipal Code Section that was provided was wrong. She read the correct Municipal Code Section that states the 36 inch requirement for the purpose of safety.

Council Member Quach requested that the Ordinance be brought back to Council to discuss the height requirement for the hedges.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta, to bring forward Item No. 9.4 on the agenda at this time. The motion carried by a 5-0 vote.

9.4 Appeal of the Traffic Commission's Denial of a Request for On-Street Disabled Parking at 16461 Van De Velde Way (608-02)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission to deny the installation of on-street disabled parking at 16461 Van De Velde Way.

Marwan Youssef, Director of Public Works/City Engineer gave a brief history of this item.

Gloria Moran spoke on behalf of the appellant, Lynette Chaitram. She described the parking problems on Van De Velde Way and the difficulty for the residents and visitors to park.

Mr. Youssef informed the Mayor and City Council that the garage and driveway are accessible for a disabled person.

Lynette Chaitram spoke in regards to her and her husband's medical conditions and the need for the disabled parking on the street. She stated that it is impossible for her to use her driveway.

Council Member Diep recused himself from the item due to the fact that this matter came before the Traffic Commission when he served as a commissioner. Council Member Diep left the dais.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Fry, to overturn the Traffic Commission's denial of the installation of on-street disabled parking at 16461 Van De Velde Way.

Council Member Quach stated that he supports the motion on a temporary basis and suggested that there be a review in six months.

The maker of the motion and second to the motion agreed with the suggestion of Council Member Quach and amended the motion to overturn the Traffic Commission's denial of the installation of on-street disabled parking at 16461 Van De Velde Way, with a six month review.

The motion carried by the following vote:

AYES: RICE, TA, FRY, QUACH
NOES: NONE
ABSTAIN: DIEP

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None.

4. PUBLIC HEARINGS

4.1 COMMUNITY DEVELOPMENT BLOCK GRANT "NEEDS ASSESSMENT" FOR PREPARATION OF FY 2009-10 CONSOLIDATED ANNUAL ACTION PLAN. (109-00)

RECOMMENDATION: Staff recommends that the Mayor and City Council receive comments at a public hearing regarding the needs of the community.

The City Manager informed the Mayor and City Council that the U.S. Department of Housing and Urban Development requires that the City have two public hearings to allow public input for what the needs assessments are.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK ON THIS ITEM.

Darrell Nolta, Westminster resident suggested that money be applied for dealing with the issues of the homeless, which would include shelter, food and medical care.

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

4.2 CASE NO. 2007-85: REVIEW OF ORDINANCE NO. 2436, AMENDMENT TO TITLE 17 (LAND USE ORDINANCE) OF THE WESTMINSTER MUNICIPAL CODE TO REGULATE THE USE AND PLACEMENT OF CANOPIES AND TARPS AND LIMIT THE AMOUNT OF PAVING WITHIN THE FRONT AND SIDE YARD SETBACKS. (201-00)(CN 2007-85)

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance 2436 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Title 17 (Land Use Ordinance) of the Westminster Municipal Code to establish development standards that will regulate the use and placement of canopies and tarps, as well as limit the amount of paving within the front and side yard setbacks on residential properties", and waive further reading.

Kelvin Parker, Associate Planner provided a PowerPoint presentation on this item.

Mayor Rice asked that if the Council adopts the Ordinance tonight, will the residents who are in violation need to take down the canopies and remove the concrete.

The City Attorney stated that the canopies would have to come down, but the cemented areas would have to be removed within a period of time through an abatement process.

Doug McIsaac, Community Development Director stated that if the Ordinance is adopted, the Council can determine a specific amount of time that the canopies and concrete remain until they have to be removed.

Mayor Pro Tem Ta feels that the proposed Ordinance is not practical at this time during the difficult economic times.

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

Judy Ahrens, Westminster resident spoke in favor of this item, because the property values are at risk with all of the cars parked in front of houses.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, Westminster resident spoke in opposition to this item, because if the Ordinance is adopted and the residents must remove the concrete, they will have to pay the increased water rates to water the grass.

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

Council Member Quach stated his opposition to the Ordinance in its current form. He expressed support of a limited code that includes tarps that are deteriorating

and are deemed unsafe to be removed, but is not in favor of the regulating the use and placement of canopies.

Mayor Pro Tem Ta stated his opposition to the Ordinance, as he does not feel that it is appropriate at this time, and doesn't feel that homeowners should have to remove existing concrete. He feels that canopies on properties should be safe, expressing support of the idea in general, but would like this matter to be brought back to explore further.

Council Member Diep stated that he supports the Ordinance because he does not like the fact that the front yards of homes are being converted into parking lots.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta, to direct staff to come back in July with a new Ordinance which states that abatement of existing concrete paving within front and side yard setbacks be considered at a different time, with another Ordinance that pertains to tarps and canopies that are deteriorating and rendered unsafe that builds in tarp safety and building criteria.

Council Member Diep informed the Council that the adoption of this Ordinance is not to enforce, but to prevent other residents from replacing their landscaping with concrete.

The motion carried by a 5-0 vote.

4.3 CASE NO. 2008-82 CONSIDERATION OF AN APPEAL BY THE PROPERTY OWNER AND COUNCIL MEMBER FRY REGARDING THE PLANNING COMMISSION'S ACTION TO UPHOLD THE PLANNING MANAGER'S DETERMINATION THAT A 255-SQUARE FOOT ADDITION EXCEEDS THE MAXIMUM ADDITION ALLOWED FOR AN EXISTING RESIDENCE WITH A SINGLE-CAR GARAGE. (201-00)(CN 2008-82)

WESTMINSTER MUNICIPAL CODE (WMC) SECTION 17.08.020 (H)(13) LIMITS AN ADDITION TO 25 PERCENT OF THE ORIGINAL GROSS FLOOR AREA WHEN THE EXISTING GARAGE DOES NOT MEET THE MINIMUM REQUIRED DIMENSIONS FOR A TWO-CAR GARAGE. THE SUBJECT RESIDENCE IS LOCATED AT 6351 KLAMATH DRIVE (ASSESSOR'S PARCEL NUMBER: 203-403-16). APPELLANTS/APPLICANTS: CEDAR PINE CONSTRUCTION CORP. REPRESENTING THE PROPERTY OWNERS; AND PERRY AND RICHARD VALLANOWETH, PROPERTY OWNERS.

RECOMMENDATION: Staff recommends that the Mayor and City Council uphold the Planning Commission's determination that the proposed addition is inconsistent with Westminster Municipal Code Section 17.08.020 (H)(13).

Mayor Rice recused herself from this item, because she lives within 500 feet of the proposed project, and left the dais. Mayor Pro Tem Ta chaired the meeting.

Art Bashmakian, Planning Manager presented a PowerPoint presentation on the proposed project.

MAYOR PRO TEM TA OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR TO THE ITEM.

Perry Vellanoweth, Westminster resident and property owner of the proposed addition, spoke in favor of the item. He explained in detail the property improvements that he has done and what he would like to do.

Matt Lacy, Cedar Pine Construction Corporation, spoke in favor of the proposed addition.

MAYOR PRO TEM TA ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM. SINCE THERE WERE NO PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM, MAYOR PRO TEM TA CLOSED THE PUBLIC HEARING.

Council Member Quach spoke in favor of the proposed addition due to the fact that there is a pool in the backyard, the house was built with a one car garage, and the property owner is going through the correct process.

Council Member Fry spoke in regards to the proposed addition and the possibility of making the single car garage and tandem double car garage.

Mr. Lacy responded by saying that there is not sufficient room on the property to extend the garage due to the pool being in the backyard.

The City Attorney informed the Council that if they are interested in the expansion of the garage they should direct staff to go back and meet with property owner and contractor and see if they can compromise.

Mr. Vellanoweth stated that expanding the garage would force him way over budget and doesn't feel that he would be able to get more money for the project.

Motion was made by Council Member Diep, and seconded by Council Member Quach, to overturn the Planning Commission's determination and approve the applicant's request for the proposed addition.

The motion carried by the following vote:

AYES: TA, QUACH, DIEP
NOES: FRY
ABSTAIN: RICE

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

Council Member Quach reminded everyone of the TET parade that will be held on January 31, 2009.

Mayor Pro Tem Ta wished Mayor Rice a Happy Birthday. He reported that he attended a ULI Workshop with the City Manager and also invited everyone to the TET parade and festivities.

Council Member Fry wished Mayor Rice a Happy Birthday and everyone a Happy New Year.

Mayor Rice thanked everyone who participated in her birthday celebration and thanked everyone for their donations to the Rose Center Foundation. She stated that she attended the Fab Four Concert at the Rose Center on January 3, 2009 and is looking forward to the TET parade.

5.2 AB 1234 Reports – None.**5.3 (City/Agency/Authority) Request from Council Member Diep to Amend the Order of Business Format for City Council/Redevelopment Agency/Public Financing Authority Agendas. (103-15)**

Council Member Ta asked the City Attorney that if the Council reorganizes the Council Meetings if the City would be violating people's rights to speak. The City attorney responded by saying it is legal to make the change and there is no violation.

Judy Ahrens, Westminster resident spoke in opposition to the proposed change because she feels that the Council is limiting the public's input on City issues.

Darrell Nolta, Westminster resident spoke in opposition to the proposed change and disagrees with the City Attorney on whether or not it is in violation of the Brown Act. He feels that three minutes is not adequate time to address items on the agenda.

Council Member Diep stated that there is no intent to hinder or limit anyone's right to address the City Council. He feels that it will allow the Council to conduct the meeting in a timely and efficient manner. He reminded everyone that this rule doesn't apply to Public Hearings.

Council Member Quach stated that everyone has the right to speak and that he has always allowed the people the right to speak. He supports the proposed Ordinance and is willing to try it for awhile and bring it back for review in July.

Motion was made by Council Member Diep, and seconded by Council Member Quach to:

- 1) Introduce Ordinance No. 2438 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Amending Section 2.04.040 (Meetings—Discussion—Referral to Departments) of the Westminster Municipal Code relative to Oral Communications at Council Meetings", and waive further reading; and
- 2) Adopt Resolution No. 4212 entitled, A Resolution of the City Council of the City of Westminster Rescinding Resolution No. 3911 to Re-Establish the Order of Business to be followed in Regular Meetings of the City Council".

Mayor Rice requested increasing the three minute time limit to five minutes.

The maker of the motion and the second to the motion agreed to Mayor Rice's request of extending the speaker time limit from three minutes to five minutes and agreed, amending the Ordinance No. 2438 to reflect the change, and to review this item in July.

The motion carried by the following vote:

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

Motion was made by Agency Member Diep, and seconded by Agency Member Quach to adopt Resolution No. 203 entitled, "A Resolution of the Westminster Redevelopment Agency Establishing the Order of Business to be followed in Regular Meetings of the Redevelopment Agency".

The motion carried by the following vote:

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

Motion was made by Authority Member Diep, and seconded by Authority Member Quach to adopt Resolution No. 33 entitled, "A Resolution of the Westminster Public Financing Authority establishing the order of business to be followed in Regular Meetings of the Public Financing Authority".

The motion carried by the following vote:

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

5.4 (City/Agency) Request from Council/Agency Member Diep for January, 2009 Meeting Date Change. (103-08)(09)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta, to change the regular scheduled meeting of Wednesday, January 28, 2009 to Monday, January 26, 2009. The motion carried by a 5-0 vote.

At the suggestion of Council Member Fry, the Mayor Rice and City Council requested that at the next Council Meeting it be considered that the Council meetings be changed from the 2nd and 4th Wednesday of the month to the 2nd and 4th Monday's of the month.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Study Session for Fiscal Year 2009-10 Community Development Block Grant (CDBG) and HOME Program federal funds. (103-08)(09)

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Fry, to schedule a study session on February 9, 2009 at 6:00 p.m. to hear presentations from non-profit agencies and City Departments applying for Fiscal Year 2009-10 CDBG and HOME federal funds. The motion carried by a 5-0 vote.

6.2 Award of Contract for Street Improvements City-Wide Reconstruction, and 10th Street from Beach Boulevard to Cedarwood Street – CTB 07-09 (502-18)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta, to award a contract to the low qualified and responsive bidder, R. J. Noble Company in the amount of \$1,654,886.50; 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.

6.3 Development of a New Water Rate Structure. (610-13)

Darrell Nolta, Westminster resident stated that he supports this item, with the exception of hiring a water rate consultant and asked what it would cost.

The City Manager informed Council that in order to implement a new water rate, the City needs to comply with public notice requirements under Proposition 218. The consultant work would need to be done by no later than March 31, 2009.

Marwan Youssef, Public Works Director/City Engineer informed the Council that the Request for Proposals for the water rate consultant will be sent out and then staff will present a recommendation to Council for award of contract.

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

- 1) Adopt Resolution No. 4213 entitled, "A Resolution of the Mayor and City Council of the City of Westminster establishing an Ad Hoc Water Rate Structure Committee".
- 2) Appoint a Water Committee for the review and modification of current rate structure;
- 3) Schedule the first meeting of such committee; and
- 4) Authorize staff to send out Request for Proposals (RFP) to hire a water rate consultant and bring back to Council for review.

The motion carried by the following vote:

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

Motion was made by Council Member Quach, and seconded by Council Member Fry to appoint Mayor Rice and Mayor Pro Tem Ta to serve on the Water Rate Structure Committee. The motion carried by a 5-0 vote.

Motion was made by Council Member Quach, and seconded by Council Member Fry, and carried unanimously to make the following appointments to the Water Rate Structure Committee:

Mayor Rice	Phil Anthony
Mayor Pro Tem Ta	Judy Ahrens
Council Member Fry	Darrell Nolta
Council Member Quach	Kermit Marsh
Council Member Diep	Gloria Reyes

The motion carried by a 5-0 vote.

6.4 Purchase of a Custom IST Surveillance Vehicle for the Police Department. (106-00)(09)

Council Member Fry asked for a description of the IST Surveillance Vehicle.

Captain Ron Coopman, Westminster Police Department responded by saying that it is a surveillance vehicle equipped with electronic equipment to surveil and record illicit activities of drug dealers and other criminals without their knowledge of being watched.

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

- 1) Transfer \$24,688.00 from the Asset Forfeiture Fund to the Equipment Replacement Fund; and
- 2) Authorize a purchase order in the amount of \$134,687.50 to Innovative Surveillance Technology (IST) for the purchase of a Custom IST Surveillance Vehicle.

The motion carried by a 5-0 vote.

6.5 Council Representation on Outside Agencies. (103-03)(09)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint members to represent the City on outside agencies.

Motion was made by Council Member Quach, and seconded by Council Member Diep, to appoint the following members to represent:

Orange County Council of Governments

Council Member Diep, Representative
Mayor Pro Tem Ta, Alternate

Orange County Fire Authority

Mayor Pro Tem Ta, Representative
Council Member Diep, Alternate

O.C. Growth Management Area 6 Police Advisory Committee
(Measure M Committee)

Council Member Fry, Representative
Council Member Quach, Alternate

Orange County Public Library Advisory Board

Council Member Quach, Representative
Mayor Pro Tem Ta, Alternate

Orange County Transportation Authority Central County Corridor MIS

Mayor Pro Tem Ta, Representative

Orange County Vector Control

Council Member Fry, Representative

Public Cable Television Authority

Mayor Rice, Representative
Council Member Fry, Alternate

Santa Ana River Flood Protection Agency

Council Member Fry, Representative

Water Advisory Committee of Orange County

Council Member Fry

West Orange County Water Board

Council Member Quach, Representative
Mayor Rice, Alternate

The motion carried by a 5-0 vote.

6.6 Request from the Vietnamese Veterans in Southern United States to Install Vietnamese Heritage Flags and American Flags in Westminster from January 24 – February 4, 2009. (502-09)

Darrell Nolta, Westminster resident spoke in opposition to this item. He asked the Council if the City is paying the \$3,000 for installing the flags.

Diana Dobbert, Community Services Manager responded by saying that the City serves as the third party in the agreement, because the poles are in the City. She informed the Council that the applicant pays the \$3,000 for the installation of the flags.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to approve an agreement with i2i Signs dba DKP Construction in the amount of \$3,000 to install American Flag and Vietnamese Heritage Flag assemblies to Southern California Edison light poles within the City of Westminster from January 24, - February 1, 2009, and authorize the City Manager to execute the agreement on behalf of the City. The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Use of City parking lot for shuttle services to Tet Festival. (213-03)

Mayor Rice expressed her concerns of the lack of parking for the Civic Center and Rose Center during the Tet Festival.

Diana Dobbert, Community Services Manager responded by saying that the Tet Festival Parking will not affect the parking for the Rose Center.

The Council requested that the north parking lot be reserved for the Rose Center Facility.

Vu Dinh, The Union of Vietnamese Study Association of Southern California thanked the Council for their consideration.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Diep to approve the request from The Union of Vietnamese Study Associations of Southern California (USVA) for the use of the Westminster Civic Center Parking and the Senior & Community Services Center Parking as an alternative parking lot, excluding the City Hall north parking lot on Saturday, January 31, 2009 from 10 a.m. to 11 p.m. and on Sunday, February 1, 2009 from 10 a.m. to 10 p.m. for hourly shuttle services to the annual Tet Festival to be held at Garden Grove Park in the City of Garden Grove. The motion carried by a 5-0 vote.

8. LEGISLATIVE ITEMS – None.

8.1 Westminster Municipal Code Amendment to Address Solicitation of and by Occupants of Vehicles in Traffic. (805-10)

Vaughn Becht, Westminster resident spoke in favor to this item and stated that it would be beneficial to the City.

Police Chief Hall informed Council that this Ordinance pertains to any parking lot that is open to the public and intended for vehicular traffic.

Judy Ahrens, Westminster resident spoke in favor to this item. She commended the Police Chief and thanked the Council for considering the adoption of this Ordinance. She feels that the adoption of this Ordinance may help towards the trash issue in the City.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta introduced Ordinance No. 2437 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Adding Chapter 12.30 to Title 12 of the Westminster Municipal Code Relating to Solicitation of and by occupants of Vehicles in Traffic", and waive further reading.

The motion carried by the following vote:

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

8.2 Consideration of Resolution Electing to Become Subject to the Uniform Public Construction Cost Accounting Act and an Ordinance Establishing Bidding Procedures for Public Projects Under the Uniform Public Construction Cost Accounting Act. (105-17)

Paul Espinoza, Finance Director stated that in Ordinance No. 2433, the seventh Whereas which reads "Whereas, although the City would be authorized to use an informal bidding process for public projects up to \$125,000, the City Council has

decided to set the limit for informal bidding at \$30,000; and” needs to be removed.

Motion was made by Council Member Quach, and seconded by Council Member Quach to:

- 1) Adopt Resolution No. 4211 entitled, “ A Resolution of the Mayor and City Council of the City of Westminster electing to become subject to the Uniform Public Construction Cost Accounting Act”; and
- 2) Introduce the amended Ordinance No. 2433 entitled, “An Ordinance of the City of Westminster Amending Chapter 3.44. of the City of Westminster’s Municipal Code to Increase the formal bidding threshold for non-public projects and to add chapter 3.44.110 to provide for bidding procedures for public projects under the uniform public construction cost accounting act by title only, and to increase the purchase order threshold for purchases five hundred dollars (\$500) to two thousand five hundred dollars (\$2,500) and to amend chapter 3.44.040 to reflect the increase”:, and waive further reading.

The motion carried by the following vote:

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

9. COMMISSION AND COMMITTEE ITEMS

9.1 Appointments to Commissions and Committees. (104-00)

ACTION: The Mayor and City Council:

- 1) Appointed members to Commissions and Committees for a two-year term ending November, 2010; and
- 2) Deferred appointment of members to the Energy Committee to the next scheduled Council meeting, as the Energy Committee is currently scheduled to meet on January 15, 2009.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta, and carried unanimously to make the following appointments:

Advisory Committee for the Disabled

- Al Krippner
- Vivian Kirkpatrick-Pilger
- Khan Nguyen
- Andrew Jefferson Nguyen
- Ginger Waugh-Borden
- Anton Viet Nguyen
- Judee Slack

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta, and carried unanimously to make the following appointment:

Area Variance Committee

Don Anderson

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta, and carried unanimously to make the following appointments:

Commission on Aging

Mayor Rice	Leonor Barajas
Mayor Pro Tem Ta	Vince Agor
Council Member Fry	Vincent Petronzio
Council Member Quach	Jerry Meade
Council Member Diep	Phil Hodgetts
Council Appointee	Ginger Waugh-Borden
Council Appointee	Nhi Van Ho
Council Appointee (Alternate)	Andrew Jefferson Nguyen

Motion was made by Mayor Rice, and seconded by Council Member Quach, and carried unanimously to make the following appointments:

Community Advisory Group

Mayor Rice	Erwin Vysma
Mayor Rice	Matthew Tracy
Mayor Pro Tem Ta	Crystal Wadsworth
Mayor Pro Tem Ta	Linh Nguyen
Council Member Fry	Deferred
Council Member Fry	Deferred
Council Member Quach	Kelly Cao
Council Member Quach	Theresa Kasprzyk
Council Member Diep	Ryan Ramos
Council Member Diep	Vivian Kirkpatrick-Pilger

Motion was made by Council Member Quach, and seconded by Council Member Diep, and carried unanimously to make the following appointments:

Community Services & Recreation Commission

Mayor Rice	Miriam Aguillares
Mayor Pro Tem Ta	Nhi Van Ho
Council Member Fry	Leo Lopez
Council Member Quach	Jerry Meade
Council Member Diep	Jacko Luong

Motion was made by Mayor Rice, and seconded by Council Member Diep, and carried unanimously to make the following appointments:

Cultural Arts Commission

Mayor Rice	Regular:	Miriam Aguilares
	Alternate:	Ginger Waugh-Borden
Mayor Pro Tem Ta	Regular:	Mimi Lozano
	Alternate:	Linh Nguyen
Council Member Fry	Regular:	Larry Luera
	Alternate:	Peter Nguyen
Council Member Quach	Regular:	Kelly Cao
	Alternate:	Nhi Van Ho
Council Member Diep	Regular:	Gloria Reyes
	Alternate:	Loretta Krippner

Motion was made by Council Member Quach, and seconded by Council Member Diep, and carried unanimously to make the following appointments:

Financial Review Committee

Mayor Rice	Alin Hamade Edelgard Crozier
Mayor Pro Tem Ta	Hoa Troung Deferred
Council Member Fry	Larry Luera B.J. Savage
Council Member Quach	John Stupar Deferred
Council Member Diep	James O'Connell III Al Krippner

Motion was made by Mayor Rice, and seconded by Mayor Pro Tem Ta, and carried unanimously to make the following appointments:

Mobile Home Commission

Mobile Home Resident	Ginger Waugh-Borden
Mobile Home Park Owners	Jack Hale Guy Perry
At-Large Member	Phil Hodgetts

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta, and carried unanimously to make the following appointments:

Personnel Board

Public Education Category	John Stupar
Religious Community Category	Richard Sturges
At-Large Category	John McShane
1 st Alternate	Joan Hansenl
2 nd Alternate	Kelly Cao

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta, and carried unanimously to make the following appointments:

Planning Commission

Mayor Rice	Bob Bertels
Mayor Pro Tem Ta	Ha Son Tran
Council Member Fry	Mike Turro
Council Member Quach	Kimberly Ho
Council Member Diep	Phuong Dave Vo

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta, and carried unanimously to make the following appointments:

Potentially Dangerous/Vicious Dog Review Board

At-Large	Lynne Liebelt
Certified Dog Trainer	Cortney Dorney
Licensed Doctor (Regular)	Tia Greenberg
Licensed Doctor (Alternate)	Albert Leung

Motion was made by Mayor Pro Tem Ta, and seconded by Mayor Rice, and carried unanimously to make the following appointments:

Traffic Commission

Mayor Rice	Alin Hamade
Mayor Pro Tem Ta	Lupe Fisher
Council Member Fry	Deferred
Council Member Quach	Andrew Nguyen
Council Member Diep	Ken Robbins

Motion was made by Council Member Quach, and seconded by Council Member Diep, and carried unanimously to make the following appointments:

Tree Education Committee

Mayor Rice	Diana Williams
Mayor Pro Tem Ta	Erwin Vysma
Council Member Fry	Darrell Nolta
Council Member Quach	Leo Lopez
Council Member Diep	Matthew Tracy

9.2 Ad Hoc Committee Appointments. (104-00)

ACTION: The Mayor and City Council:

- 1) Appointed members to serve on the Ad Hoc Design Committee for the City/Chamber of Commerce Building.
- 2) Appointed members to serve on the Mayor's Ad Hoc Zoning Code Update Committee.
- 3) Disbanded the Ad Hoc Water Rate Structure Committee established on November 16, 2005 for an initial period of one year, as a new Ad Hoc Water Rate Structure Committee was proposed as a separate item on tonight's agenda.
- 4) Disbanded the Ad Hoc Residential Standards Committee established on June 26, 2006.
- 5) Appointed members to the 3rd Assault Amphibian Battalion Advisory Committee.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta, and carried unanimously to make the following appointments:

Ad Hoc Design Committee for City/Chamber of Commerce Building

Mayor	Margie L. Rice
Council Member	Frank G. Fry
Building Official	Soroosh Rahbari
Director of Community Services	Greg Johnson
Chamber Member	Owen Eames
Chamber Member	Sandy McClure
Chamber Member	Crystal Wadsworth

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Ta, and carried unanimously to make the following appointments:

Mayor's Ad Hoc Zoning Code Update Committee

Mayor Rice, Chair
Mayor Pro Tem Ta, Vice Chair
Bob Bertels
Vivian Kirkpatrick-Pilger
Chuck Ponti
Crystal Wadsworth
Tony Lam
Mike Turro
Stephen Nevarez
Henry Khuu
Phil Anthony (Alternate Member)

Motion was made by Council Member Diep, and seconded by Council Member Quach, and carried unanimously to disband the Ad Hoc Water Rate Structure Committee established on November 16, 2005 for an initial period of one year.

Motion was made by Council Member Quach, and seconded by Council Member Diep, and carried unanimously to disband the Ad Hoc Residential Standards Committee.

Motion was made by Council Member Quach, and seconded by Council Member Diep, and carried unanimously to make the following appointments:

3rd Assault Amphibian Battalion Advisory Committee

Council Member Quach, Chair
Mayor Pro Tem Ta, Vice Chair
Council Member Fry, Alternate
Jack Stites, Master Gunnery Sergeant (Retired) UCMC
Ed Arnold
Malcom Willis
Timothy O'Reilly
Chuck Smith
B.J. Savage

- 9.3 Resolution No. 4206 – “A Resolution of the Mayor and City Council of the City of Westminster Repealing Resolution No. 3278, which provided for the Installation of Disabled Parking at 14181 Hereford Street for a Handicapped Person” – T.C. 77-142 (608-02)**

Motion was made by Council Member Quach, and seconded by Mayor Rice, to adopt Resolution No. 4206 approving the removal of blue curb (special parking zone for handicapped individuals) on the east side of Hereford Street.

The motion carried by the following vote:

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

10. **COUNCIL/AGENCY ADJOURNMENT:** At 10:56 p.m., Mayor/Agency Chair Rice adjourned the meeting to Wednesday, January 26, 2009 at 7:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster CA.


Amanda Jensen, Assistant City Clerk/
Acting Agency Secretary