

"Approved by the City Council/Redevelopment Agency Board on February 25, 2009"

CITY COUNCIL/REDEVELOPMENT AGENCY WESTMINSTER, CALIFORNIA
MINUTES OF AN ADJOURNED REGULAR MEETING January 26, 2009

The City Council/Agency Board of the City of Westminster, California convened on January 26, 2009 at 7:05 p.m. in an Adjourned Regular Meeting in the Council Chambers, 8200 Westminister Boulevard, Westminister, California.

7:00 P.M.

ROLL CALL:

PRESENT: RICE, TA, FRY (arrived at 7:10 p.m.), QUACH, DIEP
ABSENT: NONE

SALUTE TO FLAG: City Attorney

INVOCATION: Mayor Pro Tem Quach

SPECIAL PRESENTATIONS:

A. Police Chief Hall presented Citizen Above and Beyond Awards to Don and Annette Kloos and Thelma Zambano.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS – None.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of December 10, 2008.

ACTION: Approved.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.2 (Second Reading) Ordinance No. 2437 - An Ordinance of the Mayor and City Council of the City of Westminister Adding Chapter 12.30 to Title 12 of the Westminister Municipal Code Relating to Solicitation of and by Occupants of Vehicles in Traffic. (805-10)

ACTION: The Mayor and City Council adopted Ordinance No. 2437 and waived further reading.

- (ITEM REMOVED AND HEARD SEPARATELY)**
- 1.3 **(Second Reading) Ordinance No. 2438- 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. (103-15)**

Darrell Nolta, Westminster resident, spoke in opposition to the item. He referenced an article in the Los Angeles Times, entitled "Chinese Censor Obama's Speech". He also referenced Section 54954.3 of the Brown Act in regards to public comments and the Bill of Rights.

Mayor Rice stated that she has never refused anyone the right to speak and explained that as the Chair she has the right to allow people to speak longer than the five minute time limit.

Council Member Quach stated that he respects everyone who wishes to address the Council and supports the Ordinance.

Mayor Pro Tem Ta said that the Ordinance does not violate anyone's freedom of speech.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to adopt Ordinance No. 2438 and waive further reading.

The motion carried by the following vote:

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

- (ITEM REMOVED AND HEARD SEPARATELY)**
- 1.4 **Resolution No. 4214 - A Resolution of the Mayor and City Council of the City of Westminster Providing for the Installation of Disabled Parking Restrictions at 16461 Van De Velde Way. (608-02)**

Council Member Diep recused himself on this item due to the fact that this matter came before the Traffic Commission when he served as a commissioner and left the dais at 7:35 p.m...

Richard Gosliga, Westminster resident, spoke in opposition to the installation of the disabled parking on Van De Velde Way. He informed the Council that there has been an ongoing parking dispute amongst the neighbors. He asked the Council if someone checked the ADA compliance for the disabled parking spot on the street. He suggested that the Council research this item further. He feels that the disabled parking should have been placed in an area that's accessible for everyone on the street not just one particular address.

Michael Mohamed spoke on behalf of his mother, Lynette Chaitram. He submitted photographs of the property and the surrounding area to the Council

and spoke in support of this item. He informed the Council of a van with a disabled parking placard that has been parking there since the curb has been painted and it doesn't belong to either one of his parents.

Council Member Quach stated that anyone who has a disabled parking placard can park there. He informed Mr. Mohamed that this was approved on a temporary basis and it will be brought back to Council for review.

Jane Gosliga, Westminster resident, spoke in opposition to the proposed disabled parking. She referred to a letter she wrote to the City Council before the January 14, 2009 meeting. She stated that there has been a parking issue in the area and feels that the City should not have been involved in the dispute between the neighbors.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to adopt Resolution No. 4214.

The motion carried by the following vote:

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

Council Member Diep returned to the Council dais.

ADMINISTRATIVE ITEMS

- 1.5 Special Event Permit application from the American Cancer Society to hold the Westminster American Cancer Society Relay for Life event beginning August 7, 2009 through August 9, 2009 (includes set up and clean up times). The event will take place in the Civic Center Sunken Gardens, 8200 Westminster Boulevard. Applicant estimates the attendance will be 500 people throughout the event. (213-02)(AM)**

ACTION: The Mayor and City Council waived the \$100 Special Event Permit fee and approved the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER

- 1.6 (City Council/Redevelopment Agency) Warrant Register dated January 7 through January 20, 2009. (105-09)(09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.7 Minutes of the Commission on Aging meetings held on September 8, 2008 and November 10, 2008. (104-03)**

ACTION: Received and filed.

1.8 Community Development Monthly Activity Report – December 2008. (216-01)(08)

ACTION: Received and filed.

1.9 Treasurer's Report – December 2008. (105-08)(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 Nos. 1.3 and 1.4 which were pulled for separate consideration. The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Tami Witkowski, Westminster resident, spoke in regards to a proposed Temple being built in the neighborhood and the parking issues in the areas of Goldenwest/Hoover and Westminster/Hazard. She requested that the Council reconsider approving the Temple.

Darrell Nolta, Westminster resident, spoke in regards to the Orange County Fire Authority and issues that were covered at the recent meeting. He also stated that he attended the Orange County Water District meeting and the new estimates for the future cost of water.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**3.1 The actions of the Planning Commission meeting held on January 21, 2009.**

The Planning Manager reviewed the actions of the Planning Commission meeting of January 21, 2009.

- 1) 2007-54 Conditional Use Permit, Site Plan, and Design Review to establish and operate a recreational vehicle (RV) storage facility within the Southern California Edison Right-of-Way located at 7451 Westminster Boulevard.
- 2) 2008-68 Conditional Use Permit and Design Review to allow the establishment and operation of a wireless communication facility mounted on an existing transmission tower within the Southern California Edison Right-of-Way located on the south side of Edinger Avenue between Ord Way and Quartz Street.
- 3) 2007-05 Review of a previously approved Conditional Use Permit due to a change in ownership (L8 Restaurant) located at 15380 Beach Boulevard.

Motion was made by Council Member Quach, and seconded by Council Member Diep, to receive and file Item Nos. 1, 2 and 3 of the oral report of the Planning Commission meeting of January 21, 2009. The motion carried by a 5-0 vote.

4. PUBLIC HEARINGS – None.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Mayor Pro Tem Ta thanked everyone for their condolences expressed on the passing of his mother-in-law. He also wished everyone a Happy Lunar New Year and reminded everyone of the Tet Parade on January 31, 2009. He announced that there will be a one day operation expo at the Asian Garden Mall on the day of the Tet Parade.

Council Member Quach thanked Lieutenant Al Panella for his work on a recent case on Chestnut. He also thanked Greg Johnson for his work on the Tet Parade. He also spoke in regards to the Temple being built on Chestnut and the parking issues that may come with it.

Council Member Fry wished everyone a Happy New Year.

Mayor Rice requested that an item be place on the February 11th meeting that will allow the Council to discuss naming the conference room in the new City/Chamber of Commerce Building after someone who has donated a lot of money to the City. She also spoke in regards to the temple being built on Chestnut.

Mayor Rice and Council Member Quach expressed their concerns of illegal fireworks in the City and would like to know if something can be done.

Police Chief Hall suggested that the Police Department collect data including calls for service relating to fireworks/firecrackers on the Fourth of July and Tet and bring it to Council for review.

5.2 AB 1234 Reports – None

5.3 Discussion Regarding Change of Meeting Dates (103-08)(09)

RECOMMENDATION: That the Mayor and City Council provide direction to staff.

Council Member Fry spoke in support of the City Council meetings being changed to Mondays, because most other meetings are held on Wednesdays and Thursdays.

Marwan Youssef, Public Works Director/City Engineer expressed his concerns of changing meetings to Monday because of time constraints in Public Works/Engineering Department, but will support the Council's decision.

Council Member Diep stated that he is not opposed to changing meetings to Monday, but is concerned about when the agenda packets will be delivered.

Council Member Quach requested that the City Clerk's office deliver the agenda packets on Wednesday during the weeks that City Hall is closed on Friday and delivered on Thursday during the weeks that City Hall is open on Friday.

The Mayor and City Council directed staff to bring an Ordinance back on February 11, 2009 to adopt changing the meetings from the second and fourth Wednesdays to the second and fourth Mondays.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Change Order with All American Asphalt and Notice of Completion for work performed for Street Improvement Project for City-Wide Street Reconstruction at various locations – Project No. CTB 05-06-07 (502-01)

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

- 1) Approve an increase of \$46,289.29 to Purchase Order No. 5461 to All American Asphalt; and
- 2) 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.

6.2 Cancel or Select Alternative Date for the Regular Council/Agency Meeting of Wednesday, March 11, 2009. (103-08)(09)

Staff recommends that the Mayor/Chair and City Council/Agency Board:

- 1) Consider the cancellation or selection of an alternative date for the March 11, 2009 regularly scheduled meeting; and
- 2) If an alternative date is selected, that the mid-year budget study session precede the rescheduled meeting; or that Monday, March 2, 2009 at 6 p.m. be set as the date and time for the mid-year budget study session.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to reschedule the Wednesday, March 11, 2009 Regular Meeting to Monday, March 2, 2009. The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) – None.

8. LEGISLATIVE ITEMS – None.

9. COMMISSION AND COMMITTEE ITEMS

9.1 Energy Committee Appointments (104-07)

Motion was made by Council Member Quach, and seconded by Council Member Diep to make the following appointments to the Energy Committee for a two-year term ending November, 2010:

Mayor Rice	Phil Hodgetts (Regular)
Mayor Rice	Khan Nguyen (Alternate)
Mayor Pro Tem Ta	Chris Vo (Regular)
Mayor Pro Tem Ta	Ginger Waugh-Borden (Alternate)
Council Member Fry	Deferred (Regular)
Council Member Fry	Deferred (Alternate)
Council Member Quach	Tami Bui (Regular)
Council Member Quach	Deferred (Alternate)
Council Member Diep	Deferred (Regular)
Council Member Diep	Deferred (Alternate)

The motion carried by a 5-0 vote.

9.2 Community Advisory Group Appointments (Council Member Fry appointees) (104-04)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint two members to serve on the Community Advisory Group for a term ending November, 2010.

Council Member Fry requested that this appointment be deferred at this time.

9.3 Financial Review Committee Appointments (Mayor Pro Tem Ta and Council Member Quach appointees) (104-08)

Motion was made by Council Member Quach, and seconded by Council Member Diep to appoint Erwin Vysma (Mayor Pro Tem Ta appointee) and Mike Turro (Council Member Quach appointee) to the Financial Review Committee for a term ending November, 2010. The motion carried by a 5-0 vote.

9.4 Traffic Commission Appointments (Council Member Fry appointee) (104-12)

Motion was made by Council Member Quach, and seconded by Council Member Diep to appoint Gil Cruz to serve on the Traffic Commission for a term ending November, 2010. The motion carried by a 5-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:20 p.m., Mayor/Agency Chair Rice adjourned the meeting in memory of Anh Phu Nguyen, Mayor Pro Tem Ta's mother-in-law, to Monday, February 9, 2009 at 6 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California to hear presentations from nonprofit agencies and City departments applying for FY 2009-10 HOME/CDBG funds and discuss City/Agency matters.



Amanda Jensen, Assistant City Clerk/
Acting Agency Secretary