

"Approved by the City Council/Redevelopment Agency Board on April 1, 2009"

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

**WESTMINSTER, CALIFORNIA  
February 11, 2009**

The City Council/Agency Board of the City of Westminster, California convened on February 11, 2009 at 5:08 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**5:00 P.M.**

**CALL TO ORDER:** 5:08 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 purpose:

- 1) Pursuant to Government Code Section 54957: Public Employment: City Manager.

**RECESS:** At 5:45 p.m., Mayor Rice recessed the meeting held in the Council Conference Room.

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING:** The City Council/Redevelopment Agency Meeting reconvened at 6:30 p.m. in the Council Chambers.

**6:30 P.M.**

**CALL TO ORDER:** 6:30 p.m.

**ROLL CALL**

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

1. **Presentation on Progress of the New City/Chamber of Commerce building.**  
(702-09)

Staff recommends that the Mayor and City Council receive information provided by staff and the architect, Dougherty & Dougherty, and direct staff on any desired action for the next phase of the project.

Soroosh Rahbari, Building Official gave a brief update on the New City/Chamber of Commerce Building.

Betsy Dougherty, Dougherty & Dougherty Architects, Inc. gave a PowerPoint presentation and an update on the design, budget and schedule of the project.

Council Member Diep asked who was paying for the building. Soroosh Rahbari responded by saying that the City and Redevelopment Agency is funding the project.

**RECESS:** At 6:36 p.m., Mayor Rice recessed the meeting held in the Council Chambers.

**7:00 P.M.**

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING:** The City Council/Redevelopment Agency Meeting reconvened at 7:05 p.m. in the Council Chambers.

**ROLL CALL**

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

**SALUTE TO FLAG:** Council Member Diep

**INVOCATION:** Mayor Pro Tem Ta

**REPORT OUT OF CLOSED SESSION – NONE**

**SPECIAL PRESENTATIONS:**

- A. The Mayor and City Council presented a Certificate of Appreciation to Nga Tuyet Nguyen and Minh Trieu from the Asian-American International Beauty School.
- B. Robyn Sottile, Westminster Chamber of Commerce gave an update on upcoming Chamber events in the City of Westminster.

**REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS**

**1) Item No. 1.2 Computer Replacement Program - Desktop Computers (106-00)(09)**

A memo dated February 9, 2009 from James McAuliffe, Information Services Manager through Police Chief Andy Hall providing more information on the replacement of 121 desktop computers.

**1. CONSENT CALENDAR**

**APPROVAL OF MINUTES**

**1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of January 14, 2009.**

ACTION: Approved.

**ROUTINE MATTERS**

**1.2 Computer Replacement Program - Desktop Computers. (106-00)(09)**

ACTION: The Mayor and City Council authorized a purchase order in the amount of \$134,810.34 to Hewlett-Packard for the purchase of 121 desktop computers.

**1.3 Increase Purchase Order with Liebert Cassidy Whitmore to Provide Legal Services for the City (502-12)**

ACTION: The Mayor and City Council approved an increase to the purchase order with Liebert Cassidy Whitmore in the amount of \$30,000.

**1.4 Acceptance of "Revised" Final Parcel Map Number 2007-111 for 7001 Westminster Boulevard. (201-02)(PM)**

ACTION: The Mayor and City Council accept a "Revised" Final Parcel Map 2007-111, and authorize the City Clerk to sign, seal and record the map with the County Recorder's Office.

**(ITEM PULLED AND HEARD SEPARATELY)**

**1.5 6 Month Review of the Operations at 9741-9743 Bolsa Avenue (Catinat Plaza) as Required by Condition No. 40 of Council Resolution No. 4059 Pertaining to Conditional Use Permit and Variance (Case No. 2006-59) Which Allowed Live Entertainment, the On-Sale of Beer and Wine and a Parking Variance Associated with Le Royal Restaurant/Banquet Hall. (201-00)(CN 2006-59)**

Mayor Pro Tem Ta requested that this item be pulled and heard separately, because Council Member Quach and himself live within 500 feet of the referenced address.

**Motion was made by Council Member Diep, and seconded by Council Member Fry to receive and file. The motion carried by a 3-0-2 vote.**

## **ADMINISTRATIVE ITEMS**

- 1.6 Administrative approval of fee waiver for the Orange County Clerk of the Board of Supervisors for the use of the East and West rooms to host an Assessment Appeals Workshop on Wednesday, February 11, June 10 and December 9 from 4:00 p.m. - 8:30 p.m. (702-06)**

ACTION: The Mayor and City Council received and filed the report.

- 1.7 Fee Waiver Request from Toastmasters International to hold a speech contest in the A/B room of the Community Services building on Saturday, March 7, 2009 between 8:00 a.m. until 12:00 p.m. (702-06)**

ACTION: The Mayor and City Council approved the fee waiver request as outlined in the Fee Waiver Policy for Use of City Facilities by Community Groups/Non-Profit Organizations.

## **WARRANT REGISTER**

- 1.8 (City Council/Redevelopment Agency) Warrant Register dated January 21, 2009 through February 3, 2009. (105-09)(09)**

ACTION: Approved.

## **INFORMATION AND REPORTS**

- 1.9 Minutes of the Traffic Commission Meeting of October 28, 2008. (104-12)**

ACTION: Received and filed.

- 1.10 Minutes of the Planning Commission meeting held on December 17, 2008. (104-11)**

ACTION: Received and filed.

- 1.11 Minutes of the Energy Committee Meeting of January 15, 2009. (104-07)**

ACTION: Received and filed.

**Motion was made by Council Member Quach, and seconded by Council Member Fry to approve the Consent Calendar with the exception of Item No. 1.5 which was pulled for separate consideration. The motion carried by a 5-0 vote.**

**END OF CONSENT CALENDAR**

## 2. ORAL COMMUNICATIONS

Susan Gilpin, Westminster resident spoke in regards to an abandoned well site located near Trask Avenue and Hoover Street on Jasperson Way. She asked Council to consider placing a pocket park at the location. She submitted a petition and pictures for the Council's review.

Judy Ahrens, Westminster resident spoke in regards to the medical portion of the Stimulus Package. She also spoke in regards to the State Eagle Forum and the upcoming Educational Conference that will be held on May 8 & 9, 2009.

Darrell Nolta, Westminster resident spoke in regards to issues that were talked about at the Board of Supervisors Meeting which included: the carrying of concealed weapons and the permit that is obtained from the Orange County Sheriff's Department; the second quarter budget report; Proposition 172; Health and Human Services in Orange County; and jail booking fees. He also spoke about the death of an elderly women at the corner of Westminster Boulevard and Jackson Street.

## 3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

### 3.1 The action of the Planning Commission meeting held on February 4, 2009.

The Planning Manager reviewed the actions of the Planning Commission meeting of February 4, 2009.

- 1) Case No. 2008-69 - An application for a variance to maintain an existing one-car garage in lieu of providing a two-car enclosed garage required when an addition to a single-family residence exceed 25 percent of the original gross floor area of the single-family residence located at 14162 Nancy Lee Drive. ACTION: The variance request was denied (3-2) (Commissioners Bertels and Turro No).

**Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to receive and file Item No. 1 of the oral report of the Planning Commission meeting of February 4, 2009. The motion carried by a 5-0 vote.**

## 4. PUBLIC HEARINGS

- 4.1 **JOINT PUBLIC HEARING OF THE CITY COUNCIL AND WESTMINSTER REDEVELOPMENT AGENCY TO CONSIDER THE APPROVAL OF THE SUBSTANTIAL AMENDMENT TO THE FY 2008-09 ACTION PLAN INVOLVING A CHANGE IN THE PURPOSE AND UTILIZATION OF NINE (9) CONDOMINIUM UNITS FROM A LEASE-PURCHASE PROGRAM TO RENTAL UNITS FOR LOWER INCOME HOUSEHOLDS; CONSIDERATION AND APPROVAL OF NEW AGREEMENTS REFLECTING THE PROPOSED CHANGE IN THE ACTION PLAN; AND TO PARTICIPATE IN A PROPOSED NEIGHBORHOOD STABILIZATION PROGRAM. (902-02)**

Doug McIsaac, Community Development Director gave a brief description of this item.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK ON THIS ITEM. SINCE THERE WERE NO SPEAKERS, MAYOR RICE CLOSED THE PUBLIC HEARING.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Ta to approve the Substantial Amendment to the FY 2008-09 Action Plan involving a change in the purpose and utilization of nine (9) condominium units from a Lease-Purchase program to rental units for lower income households. The units are located at: 1) 6869 Homer Street, #62; 2) 6921 Homer Street, #27; 3) 6889 Homer Street, #50; 4) 6954 Homer Street, #79; 5) 6908 Homer Street, #99; 6) 6902 Homer Street, #94; 7) 6908 Homer Street, #100; 8) 14161 Goldenwest Street, #7; and 9) 6921 Homer Street, #25. The motion carried by a 5-0 vote.

Mayor Pro Tem Ta asked if the low income families that have housing vouchers will be included in this program.

Mr. McIsaac responded by saying that it is up to the nonprofit agencies, because they own and manage the properties. He also stated that the families would have to meet the income requirements.

**4.2 PUBLIC HEARING OF THE MAYOR AND CITY COUNCIL ON THE (1) PROPOSED SUBSTANTIAL AMENDMENT TO THE 2008-2009 HOUSING AND COMMUNITY DEVELOPMENT ACTION PLAN AND FIVE YEAR CONSOLIDATED PLAN; AND (2) OPPORTUNITIES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM. (109-00)**

Staff recommends that the Mayor and City Council:

- 1) Approve the Substantial Amendment to the Fiscal Year 2008-09 Action Plan for the City to participate in the Neighborhood Stabilization Program (NSP) under the State of California and to allow the City to partner with the City of Garden Grove for purposes as referenced in Attachment 1 to the staff report; and
- 2) Receive and consider public comments on opportunities for the Neighborhood Stabilization Program funding as required by the State of California.

Tami Piscotty, City Housing Coordinator explained the benefits of the proposed Action Plan. She explained that the public hearing tonight is to give the opportunity to hear public comments. The City Council will not be voting on this item tonight. She informed the Council that there will be another Public Hearing on February 25, 2009. If the Cities chose not to go forward with the program the

monies would be placed in the County pool and would be eligible for any City to compete for.

Council Member Diep expressed his concerns on this item. He stated that there is a demand for houses in the City and doesn't understand why the City would buy foreclosed homes and then resell them.

Mrs. Piscotty responded by saying that the program is not to buy foreclosed homes. She said that it would be like a silent second mortgage where buyers aren't able to afford the down payment, then the City would come up with the affordability gap (up to \$40,000) so they can afford down payment. They do not have to be first time home buyers. She explained that this was part of the Housing Strategy that was approved in 2008.

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

Darrell Nolta, Westminster resident spoke in opposition to this item. He doesn't feel that it would benefit the renters. He asked the City Council to study this more and its impact before they vote on it.

Mayor Pro Tem Ta expressed his concerns on this item, because of the economy and that the demand for houses is pretty high in the City.

Mayor Rice stated that she is not opposed to looking at this and hopes that they can be more educated on this item.

City Manager Silver informed Council that the Redevelopment Agency covers the entire City and that 20% of money received from increased property taxes must go to affordable housing. He stated that Westminster was one of the first cities to have its Housing Element approved in October and then the Housing Strategy was approved on how to meet those objectives. He suggested that the City look at other Ordinances from different cities to see how they handled the foreclosed homes. He said that if the Council wants to move forward with the discussion that they will have a detailed brief on the information.

Council Member Quach doesn't see the point in delaying this item, because the item itself is not being approved tonight. He stated that the City should move forward and take action when needed.

**Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to continue staff's recommendation No. 1 until the February 25, 2009 Meeting and receive and file staff's recommendation No. 2. The motion carried by a 5-0 vote.**

**5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**

## 5.1 Council/Agency Member Items

Mayor Pro Tem Ta thanked City staff and Council Member Quach for their time and dedication to the Tet Parade. He also said that he went to his daughter's Elementary School to speak on the role of local elected official.

Council Member Quach thanked City staff and the community organizations involved in the Tet parade. He also thanked Greg Johnson, Community Services Manager, Police Chief Hall, Marwan Youssef, Director of Public Works/City Engineer, the Chamber of Commerce and the community.

Council Member Fry requested that a fee waiver request be added to the agenda.

### **URGENT ITEM – FEE WAIVER REQUEST**

**Motion was made by Council Member Quach**, and seconded by Council Member Fry to bring an item on to the agenda as an urgent item, as the matter arose subsequent to the posting of the agenda, and requires immediate action. The motion carried by a 5-0 vote.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Ta to approve a fee waiver for the Vietnam War Memorial Foundation for the use of the A/B room of the Community Services Building on February 24, 2009, to hold a meeting to discuss the upcoming Black April events. The motion carried by a 5-0 vote.

Mayor Rice thanked Council Member Quach for taking charge of the Tet Parade. She also spoke in regards to a rundown City owned property that is located near Big Lots.

Marwan Youssef, Director of Public Works/City Engineer stated that there was a fire which occurred that destroyed the house. He informed the Council that an inspector recently went to the property and gave a detailed quote on how much it would cost to rebuild the house and that the information will be submitted to the insurance company.

Council Member Quach thanked Leo Lopez for the use of his vehicles in the Tet Parade.

## 5.2 AB 1234 Reports

## 5.3 Naming of Conference Room in the City/Chamber of Commerce Building.

Mayor Rice suggested that the conference room in the new City/Chamber of Commerce Building be named after Miriam Warne because of the amount of money that she has donated to the City throughout the years. Council Member Diep asked whether or not there is a policy in place that has the guidelines for naming facilities/parks, etc. in the City.

Greg Johnson, Community Services and Recreation Director responded by saying that there is not currently a policy for that, but he said that he would research it and bring suggestions back to Council for review.

**Motion was made by Mayor Rice**, and seconded by Mayor Pro Tem Ta to approve the naming the Conference Room in the New City/Chamber of Commerce Building after Miriam Warne. The motion carried by a 5-0 vote.

## **6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**

### **6.1 Select date and time to conduct oral interviews of candidates for the position of City Manager. (103-08)(09)**

RECOMMENDATION: That the Mayor and City Council select a Monday at the end of February or during the month of March, 2009 to conduct interviews for City Manager candidates.

The City Clerk suggested that the Council adjourn the meeting to Monday, February 23, 2009 at 8:00 a.m. to conduct oral interviews of candidates for the position of City Manager.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Ta to conduct City Manager candidates' interviews on Monday, February 23, 2009 at 8:00 a.m. The motion carried by a 5-0 vote.

### **6.2 Selection of an Engineering Firm to Prepare and Recommend a New Water Rate Structure. (502-23)**

Marwan Youssef, Director of Public Works/City Engineer gave a brief history on this item. He informed the Council that there is a tight schedule in order to meet a July 1, 2009 deadline. He informed the Council that the Ad Hoc New Water Rate Structure Committee will have their first meeting on February 17, 2009.

Council Member Diep asked if there was a bid that was sent out. Mr. Youssef responded by saying that the bid proposal is attached to the staff report.

Darrell Nolta, Westminster resident spoke in opposition to this item. He feels that the City is requesting that a consultant duplicate the current water rate structure. He expressed his concerns of the new water rate structure and its purpose.

Council Member Quach stated that the consultant, Willdan is not bidding on duplicating the current water rate structure; he said that their intent is to come up with a better water rate structure. He said that the consultant will work with Committee to help keep the Council's promise of bringing back a lower rate to the residents.

The City Attorney spoke in regards to Proposition 218 and explained that the water rate must reflect the cost.

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

- 1) Approve a budget transfer of \$35,000.00 to the Water Utility Administration Fund from the Water Reserve Fund; and
- 2) Approve the selection and authorize entering into an agreement with Willdan Financial Services in an amount not to exceed \$33,360.00 to perform the Water Rate Study and authorize the City Manager to execute the agreement on behalf of the City.

The motion carried by a 5-0 vote.

**6.3 Council Representation on Orange County Transportation Authority (OCTA) I-405 Policy Working Group. (103-03)(09)**

**Motion was made by Council Member Quach, and seconded by Council Member Fry to appoint Mayor Pro Tem Ta as a regular member and Council Member Diep as an alternate member to represent the City on the OCTA I-405 Policy Working Group. The motion carried by a 5-0 vote.**

**7. WRITTEN COMMUNICATIONS (Public) - None.**

**8. LEGISLATIVE ITEMS**

**8.1 Ordinance No. 2439 - Change to Regular Council Meetings Dates. (103-15)**

RECOMMENDATION: That the Mayor and City Council introduce Ordinance No. 2439 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Amending Section 2.04.010 (Meetings-Time) of the Westminster Municipal Code Relative to Regular Council Meetings", and waive further reading.

Mayor Rice asked the City Manager whether or not there is an impact to the staff or the City Clerk by moving the meetings to Monday

Marian Contreras, City Clerk explained the agenda process and how it would not be a problem to revise the schedule.

Marwan Youssef stated that he would accommodate the Council, but explained that there would be time constraints if meetings were moved to Mondays.

Council Member Diep informed the Council that staff prefers to keep the meetings on Wednesdays to allow them more time to respond to the Council's questions and concerns regarding the agenda.

The Mayor and City Council received and filed and decided to not change the meetings to Mondays.

## **8.2 Reimbursement of Criminal Justice Administration Fees. (105-07) (805-10)**

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

- 1) Introduce Ordinance No. 2440 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster, Adding Chapter 1.13 to Title 1 of the Westminster Municipal Code, Relating to the Reimbursement of Criminal Justice Administration Fees", and waive further reading; and
- 2) Adopt Resolution No. 4215 entitled, "A Resolution of the Mayor and City Council of the City of Westminster amending Resolution No. 4012 Establishing Fees for Special Services Provided by the City of Westminster to Include a Criminal Justice Administration Fee for Persons who are Arrested and Booked into the Westminster Detention Center and Later Convicted of the Offense Related to the Arrest".

The motion carried by the following vote:

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

## **9. COMMISSION AND COMMITTEE ITEMS**

### **9.1 Purchase, Acquisition, and Sale of City-Owned Open Space and Surplus Land. (103-02)**

**RECOMMENDATION:** The Community Services and Recreation Commission recommends that the Mayor and City Council review a draft policy related to the purchase, acquisition, and sale of City-owned open space and surplus land, and provide staff direction.

**RECOMMENDATION:** Staff recommends that the City only transfer assets from one Enterprise fund to another when the appraised value of the asset is also paid to the fund which owns the asset.

Greg Johnson, Community Services and Recreation Director gave a brief overview of this item and explained that the request is coming from the Community Services and Recreation Commission.

Leo Lopez, Westminster resident and Community Services and Recreation Commissioner spoke in regards to this item. He gave the Mayor and City Council a petition and pictures relating to the open space that the Commission is requesting to turn into a pocket park.

Jane Ferguson, Westminster resident spoke in favor of a pocket park. She expressed her concerns of the danger of having children play in the open space, because of the gravel and barbwire.

Gabriella Mathis, Westminster resident spoke in favor of a pocket park. She feels that it would be safer to have a small park in the neighborhood so the children don't have to cross the busy streets to get to the bigger parks in the area.

Council Member Diep supports the idea of a pocket park if the City has the adequate funding. He explained since the Chamber of Commerce is losing its open space this would be a good way to make up for it in the City.

Mayor Pro Tem Ta supports the pocket park. He asked if the City could utilize outside funding for this project.

The City Manager agrees that the City needs more open space. He informed the Council and residents that he will work with the Director of Public Works to clean up the site by relocating the gravel and removing the barbwire. He asked the City Attorney if it would be legal to transfer an asset from the Water Utility Fund to another purpose or another fund to pay for this.

The City Attorney responded by saying that the Council is adopting the policy tonight without going through the process of designating specific properties for a park. He informed the Council that there is an ability to transfer surplus property from one enterprise fund to another, and explained that under Proposition 218 there may be a necessity to look at the evaluation aspect so one fund is not harmed by the other fund. As far as the mechanism goes it appears to be legal. He stated that the City cannot make a gift from the Water Fund to them.

The City Manager informed the Council that the property was appraised at \$315,000. He recommended to the Council that the City borrow from the General Fund, partner with the County to build the park and over time when the City receives park in-lieu money that would allow the reimbursement to the General Fund. He clarified that the Council is only adopting the policy and if they want they can come back with a funding policy for this specific location.

Leo Lopez offered that the surrounding community would help clean up the area if the City will provide a trash bin.

Darrell Nolta, Westminster resident spoke in support of the pocket park. He expressed his concerns that there is nothing outlined in the policy that states surplus land must be turned into a pocket park.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Ta to approve the draft policy related to the purchase, acquisition, and sale of City-owned open space and surplus land, and approved that the City only transfer assets from one Enterprise fund to another when the appraised value of

the asset is also paid to the fund which owns the asset. The motion carried by a 5-0 vote.

**9.2 Commission on Aging Appointment (Alternate Members) (104-03)**

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

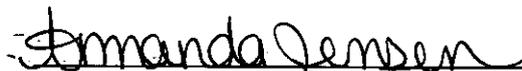
- 1) Rescind the appointment of Andrew Jefferson Nguyen to the Commission on Aging (due to age requirement); and
- 2) Appoint Erwin Vysma and Carolyn Black as alternate members to serve on the Commission on Aging for a term ending November, 2010.

The motion carried by a 5-0 vote.

**9.3 Mobile Home Commission Appointment (Mobile Home Resident Category)(104-10)**

**Motion was made by Mayor Pro Tem Ta**, and seconded by Mayor Rice to appoint Richard Harlow to serve on the Mobile Home Commission (Mobile Home Resident Category) 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 to Monday, February 23, 2009 at 8:00 a.m. for the purpose of conducting interviews for City Manager candidates.

  
Amanda Jensen, Assistant City Clerk/  
Acting Agency Secretary