

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

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

**WESTMINSTER, CALIFORNIA
February 25, 2009**

The City Council/Agency Board of the City of Westminster, California convened on February 25, 2009 at 6:00 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

6:00 P.M.

CALL TO ORDER: 6:00 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 Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 202-210 Hospital Circle; City Negotiator: City Manager Ray Silver and Director of Community Development Doug Mclsaac; Negotiating Party: Al Marshall (Pacific National Development); Under Negotiation: Price and Terms of Payment.
- 2) Pursuant to Government Code Section 54957: Public Employment: City Manager.

RECESS: At 6:45 p.m., Mayor Rice recessed the meeting held in the Council Conference Room.

7:00 P.M.

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

ROLL CALL:

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

SALUTE TO FLAG: Council Member Quach

INVOCATION: Mayor Pro Tem Ta

REPORT OUT OF CLOSED SESSION – NONE

1. ORAL COMMUNICATIONS

Lane Aikin, Westminster Chorus introduced the group, who performed for the Mayor and City Council.

Dale Bradburry, Westminster resident spoke in regards to the City Manager leaving; the water issue; and informed the Mayor and City Council of the Los Alamitos City Council's salary reduction to help the budget issue.

Darrell Nolta, Westminster resident spoke in regards to the process of selecting a new City Manager; spoke in opposition to Oral Communications at the beginning of the agenda which he feels violates his federal civil rights; requested that Item No. 1.3, January 26, 2009 minutes reflect that Diep (not Marsh) voted yes on the item; expressed his concerns of not enough motor officers in the City; and informed the Council that there are dangerous conditions where fiber optic is being installed throughout the City.

Gary Burton, Westminster resident inquired on the process of Council receiving a raise, and the City Manager for an update on the water situation.

Ray Silver, City Manager responded by saying that the City is in the process of putting together a water rate structure model and is working with a consultant to insure the City's compliance with Proposition 218. He informed Mr. Burton that the consultant would present the model to the committee no later than the end of March.

SPECIAL PRESENTATIONS

- A. Mayor Rice introduced the Youth in Government Day participants.
- B. MADD Representatives, Teresa Miller and Vicki Mecia presented awards to Westminster Police Officer Matt Edinger (61 arrests), Officer Jose Flores (55 arrests), and Officer Nick Tran (35 arrests).

Police Chief Hall congratulated the officers on a job well done.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS – None

2. CONSENT CALENDAR

APPROVAL OF MINUTES

(ITEM PULLED AND HEARD SEPARATELY)

- 2.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of January 26, 2009; Minutes of the Regular Meeting of the City Council/Redevelopment Agency of January 28, 2009; Minutes of the Special Meeting of the City Council/Redevelopment Agency of February 5, 2009; and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of February 9, 2009.**

Council Member Diep requested that Item No. 1.3 of the January 26, 2009 minutes be amended to reflect his yes vote on the item.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to approve the minutes, amending the January 26, 2009 minutes. The motion carried by a 5-0 vote.

ROUTINE MATTERS

- 2.2 Computer Replacement Program - Police Department Servers (106-00)(09)**

ACTION: The Mayor and City Council authorized a purchase order in the amount of \$63,476.93 to CDW Government, Inc. for the purchase of a computer system consisting of 9 server computers.

- 2.3 2010 Federal Legislative Priorities (109-05)**

ACTION: The Mayor and City Council approved the 2010 Federal Legislative Priorities:

- 1) Little Saigon: Asian Criminal Enterprise Initiative
- 2) Civic Center Parking Facility
- 3) Westminster Stormwater Improvements
- 4) Rose Center Technology Equipment

2.4 Award of Bid for Purchase of One Ton Truck Equipped with Sign Body Features - Unit No. 3004. (502-20)

ACTION: The Mayor and City Council authorized a purchase order in the amount of \$40,652.94 to Theodore Robins Ford for the purchase of a One Ton Truck equipped with Sign Body features.

2.5 Purchase of Two Police Department Patrol SUVs. (502-23)

ACTION: The Mayor and City Council approved the purchase of two Police Department Patrol SUVs in the amount of \$63,290.46 from Wondries Fleet Group.

2.6 Notice of Completion for work performed by All American Asphalt, Inc., for Bevan Avenue, Coronet Avenue, Calendula Avenue, Dalewood Lane, and Oakcliff Drive Street Improvements Project - Project No. CDBG 08-09 (502-01)

ACTION: The Mayor and City Council accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

2.7 Authorization to Increase Purchase Order with Koltemp Refrigeration Co., Inc. for HVAC Repairs for Fiscal Year 2008-09. (106-00)(09)

ACTION: The Mayor and City Council approved an increase of \$15,000.00 to Purchase Order No. 005610 to Koltemp Refrigeration Co. Inc. for City buildings HVAC repairs.

ORDINANCES (SECOND READING)/RESOLUTIONS

2.8 (Second Reading) Ordinance No. 2440 - 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 (105-07)(805-10)

ACTION: The Mayor and City Council adopted Ordinance No. 2440 and waived further reading.

ADMINISTRATIVE ITEMS

2.9 Fee Waiver Request from West Orange County Bar Association to hold its annual Christmas party in the East/West Room in the Community Services building on Wednesday, December 2, 2009 from 10:00a.m. to 2:00 p.m. (702-06)

ACTION: The Mayor and City Council approved the fee waiver request as outlined in the fee waiver policy use of City facilities by Community Groups/Non-Profit Organizations.

- 2.10 Special Event Permit application from the Vietnam War Memorial in Westminster Inc. to hold a Memorial Ceremony on Sunday, April 26, 2009 between the hours of 8:00 a.m. and 8:00 p.m. (includes set up and clean up times). The event will take place at Sid Goldstein Freedom Park, 14180 All American Way. Applicant estimates the attendance will be 500 people. (213-02)(VI)**

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

WARRANT REGISTER

- 2.11 (City Council/Redevelopment Agency) Warrant Register dated February 4 through 17, 2009. (105-09)(09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 2.12 Minutes of the Community Services & Recreation Commission meeting held on Wednesday November 19, 2008. (104-05)**

ACTION: Received and filed.

- 2.13 Minutes of the Planning Commission meeting held on Wednesday, January 21, 2009. (104-11)**

ACTION: Received and filed.

- 2.14 Community Development Monthly Activity Report - January 2009. (216-01)(09)**

ACTION: Received and filed.

- 2.15 Minutes of the Youth Committee meeting held on December 1, 2008. (104-17)**

ACTION: Received and filed.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to approve the Consent Calendar with the exception of Item No. 2.1 (January 26, 2009 minutes) which was removed for separate consideration. The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**3.1 The actions of the Planning Commission meeting held on February 18, 2009.**

The Planning Manager reviewed the actions of the Planning Commission meeting of February 18, 2009.

- 1) Case 2006-82 Six month review of a previously approved Conditional Use Permit at 1025 Westminster Mall (Howie's Game Shack, computer gaming arcade Staff Recommendation: That the Planning Commission initiate a public hearing in order to consider Staff's request to amend the Conditional Use Permit to modify the operating hours and to require the business to provide a private security guard. Planning Commission Action: Public hearing initiated 5-0
- 2) Case 2007-81 Time Extension Request regarding an approved variance and design review for a wireless communications facility at 14861 Dillow Street Staff Recommendation: That the Planning Commission grant a one year time extension. Planning Commission Action: One year time extension granted 5-0

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Quach to receive and file Item Nos. 1 and 2 of the oral report of the Planning Commission meeting of February 18, 2009. The motion carried by a 5-0 vote.

4. PUBLIC HEARINGS**4.1 PUBLIC HEARING OF THE WESTMINSTER 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; (2) APPLICATION FOR THE NEIGHBORHOOD STABILIZATION PROGRAM. (109-00)**

Tami Piscotty, Housing Coordinator gave a brief presentation on the item and informed the Council that this is the last public hearing of the two required for this item.

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

Darrell Nolta, Westminster resident displayed a newspaper cartoon on the ELMO. He spoke in opposition to the item, he stated that he opposes it for many reasons one being that he feels that it only benefits certain residents and does not help the renters. He explained that this proposal includes transferring tax monies from renters to potential home buyers.

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

Mayor Pro Tem Ta expressed his concerns in regards to this item and inquired if the City has a solution for the vacancies in the City due to the foreclosures.

Mayor Rice explained that the applicants do not need to be first time home buyers in order to utilize this program.

Council Member Diep clarified that if this item is adopted it would provide the residents second down payment assistance upon qualification. He stated that the City is not buying foreclosed properties.

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

- 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;
- 2) Receive and consider public comments on the application for the Neighborhood Stabilization Program as required by the State of California; and,
- 3) Authorize the City Manager to execute all documents necessary for an application for NSP funding, including a Joint Powers Agreement or Memorandum of Understanding with the City of Garden Grove.

The motion carried by a 5-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Fry stated that he enjoyed Youth in Government Day.

Mayor Pro Tem Ta thanked the Chamber of Commerce for organizing the Public Service Awards Luncheon to recognize the outstanding citizens of the community. He also thanked the students for participating in Youth in Government Day.

Council Member Diep announced that there will be an Open House for the Police Substation on Friday, February 27, 2009 at 5:00 p.m.

Council Member Quach informed the Council that he will be out of town during the first meeting in April. He requested reconsideration of meeting dates be placed on the next agenda.

Council Member Fry announced that 42nd Street will be performing at the Rose Center during the next two weekends.

Mayor Rice thanked the participants for Youth in Government Day again. She also thanked Stacy Yoshida for the red roses.

5.2 AB 1234 Reports

5.3 At-Large Member Appointment to the Ad Hoc Water Rate Structure Committee (104-31)

That the Mayor and City Council consider:

- 1) Adoption of Resolution No. 4216 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Repealing Resolution No. 4213 and Adding One At-Large Member to Serve on the Ad Hoc Water Rate Structure Committee"; and
- 2) Appointment of one (1) At-Large Member to serve on the Ad Hoc Water Rate Structure Committee.

Motion was made by Council Member Diep, and seconded by Council Member Quach to amend Resolution No. 4216 as amended to reflect (2) At-Large Members to serve on the Ad Hoc Water Rate Structure Committee instead of (1) member. The motion carried by a 5-0 vote.

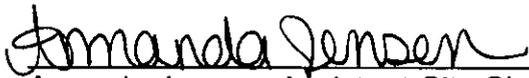
Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Quach to appoint Lee Leiberg and Jae Ryu to serve as At-Large Members on the Ad Hoc Water Rate Structure Committee. The motion carried by a 5-0 vote.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Schedule date and time for a Joint Meeting of the City Council and Planning Commission relating to Open Meeting Requirements Under the Brown Act, Conflict of Interest Rules and Ethics Laws and Principals. (103-08)(09)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to select Wednesday, April 1, 2009 to hold a joint meeting with the Planning Commission at 6:00 p.m. in the City Hall Administrative Conference Room. The motion carried by a 5-0 vote.

7. **WRITTEN COMMUNICATIONS (Public) - None.**
8. **LEGISLATIVE ITEMS - None.**
9. **COMMISSION AND COMMITTEE ITEMS - None.**
10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:05 p.m., Mayor/Agency Chair Rice adjourned the meeting to Monday, March 2, 2009 at 6:00 p.m. in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California for the purpose of a closed session, followed by an adjourned regular meeting at 7:00 p.m. in the Council Chambers for the purpose of reviewing and discussing the mid-year budget and to consider other City/Agency business.



Amanda Jensen, Assistant City Clerk/
Acting Agency Secretary