

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

CITY COUNCIL/REDEVELOPMENT AGENCY WESTMINSTER, CALIFORNIA
MINUTES OF AN ADJOURNED REGULAR MEETING March 2, 2009

The City Council/Agency Board of the City of Westminster, California convened on March 2, 2009 at 6:00 p.m. in an Adjourned Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**6:00 P.M.
CLOSED SESSION**

CALL TO ORDER: 6:00 P.M.

ROLL CALL

PRESENT: RICE, TA, FRY, QUACH (Arrived at 6:10 p.m.), DIEP
ABSENT: NONE

CLOSED SESSION

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

RECESS: At 6:14 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 Diep

REPORT OUT OF CLOSED SESSION - None

1. ORAL COMMUNICATIONS

Diana Lee Carey, resident of Westminster, I-405 Expansion Ad Hoc Committee Chair, stated that the Committee is very concerned with the potential changes in Alternative Four by OCTA. The Committee has provided information to the

Community based on the original information given to the City by OCTA and requested that future information be correct. Ms. Carey also requested that OCTA address the Mayor's concerns this evening.

Joel Garcia, resident of Westminster, read a letter (on file in the Clerk's Office) and invited the Mayor and City Council to a Flag retirement service scheduled on May 3, 2009 followed by an Eagle Court of Honor. Mr. Garcia requested a letter of commendation from the City for his son, Timothy Garcia's past and continuing involvement in civic matters and for attaining the rank of Eagle Scout. He thanked the Mayor and City Council for their support of scouting, leadership, and encouragement given to Timothy.

Darrell A. Nolta, resident of Westminster, spoke about a State Senator's prediction that there will be a collapse of the State budget by May, 2009 and no private sector jobs available. He spoke on the current financial crisis and how it affects the City's budget. Mr. Nolta expressed his opposition to Agenda Item 7.1 regarding the installation of the Vietnamese Heritage Flags/Banners.

SPECIAL PRESENTATIONS:

- A. Presentation from Orange County Transportation Authority (OCTA) on the I-405/605 West County Connectors Project and I-405 Improvement Project. (112-10) (2009)

Niall A. Barrett, Project Manager, provided a PowerPoint presentation update on the West County Connectors Project. (On file in the Clerk's Office)

Rose Casey, Program Manager Highway, provided a PowerPoint presentation update on the I-405 Improvement Project. (On file in the Clerk's Office)

Mayor Pro Tem Ta asked if OCTA has found a solution for the residents' concerns on the negative impacts when the twenty month work is done on Valley View Street and the 605 Connector.

Diana Carey, I-405 Ad Hoc Committee Chair, suggested that the new OCTA alternatives be renamed to avoid confusion. She also requested clarification on the OCTA diagrams because they show a wider freeway. Ms. Carey is very concerned because this new project information is different from what she has provided to the community. She is also concerned with the addition of a toll lane because she believes it is not in the best interest of the City.

Mayor Rice stated that the City Council will not stand by and have OCTA go against what OCTA promised to the City Council for their support on Measure M. She is very concerned with the new information provided by OCTA.

Council Member Quach asked Ms. Casey to ask the OCTA Board to relook at some of the alternatives that could stay within the footprint that was originally provided. The City is concerned if OCTA goes beyond the original boundaries and affects the project would have on residents or businesses. He requested that Ms. Casey return with these answers at a later date.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS - None

2. CONSENT CALENDAR

APPROVAL OF MINUTES

2.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of February 23, 2009.

ACTION: Approved.

ROUTINE MATTERS

2.2 Energy Leadership Partnership between Southern California Edison and the City of Westminster. (502-19)

ACTION: The Mayor and City Council:

- 1) Adopted Resolution No. 4215 entitled "A Resolution of the Mayor and City Council of the City of Westminster Declaring Support for an Energy Partnership between the Southern California Edison and the City of Westminster."
- 2) Authorized the City Manager to execute an agreement between the City of Westminster and Southern California Edison as an interim agreement for Bridge-Funding until the Utilities Commission program for 2009-2011 is ready for adoption by the Orange County Cities Energy Efficiency Partnership.

2.3 Authorization to add Harold Place improvements from Graham Street to Hammon Place to the current contract for City-Wide Reconstruction and 10th Street Improvements - Project No. CTB 07-09. (502-18)

ACTION: The Mayor and City Council authorized a change order in the amount of \$60,000 to RJ Noble Company for street repairs on Harold Place from Graham Street to Hammon Place.

2.4 Purchase of Two Police Patrol Cars. (502-20)

ACTION: The Mayor and City Council approved the purchase of two Police Patrol Cars in the amount of \$46,154.00 from Theodore Robins Ford.

ORDINANCES (SECOND READING)/RESOLUTIONS

2.5 (City) Resolution No. 4207 - A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's approval of a conditional use permit, site plan and design review of a billboard at 6491 Maple Avenue (Assessor's Parcel Number: 195-292-10); Applicant: Wealthy Ventures Inc. DBA Avant Outdoor Advertising; Property Owner: YSI XXVI L.P. and approving an associated billboard placement agreement. (201-00 CN 2008-19 & 502-23)

ACTION: The Mayor and City Council adopted Resolution No. 4207.

(Agency) Resolution No. 202 - A Resolution of the Westminster Redevelopment Agency granting consent for the placement of the proposed billboard within the boundaries of the Redevelopment Project, pursuant to the State of California, Department of Transportation's requirement that the Redevelopment Agency approve and certify such location (Assessor's Parcel Number: 195-292-10) (Case No. 2008-19)

ACTION: The Chair and Agency Board adopted Resolution No. 202.

WARRANT REGISTER

2.6 (City Council/Redevelopment Agency) Warrant Register dated February 18 through 24, 2009. (105-09) (2009)

ACTION: Approved.

INFORMATION AND REPORTS

2.7 Minutes of the Planning Commission meeting held February 4, 2009. (104-11) (2009)

ACTION: Received and filed.

2.8 Treasurer's Report - January 2009. (105-08) (2009)

ACTION: Received and filed.

2.9 Minutes of the Traffic Commission meeting held January 27, 2009. (104-12) (2009)

ACTION: Received and filed.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Quach to approve the Consent Calendar.

The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW - None

4. PUBLIC HEARINGS - None.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Fry invited everyone to attend the presentation of 42nd Street at the Rose Center, February 28 through March 8, 2009.

Mayor Pro Tem Ta congratulated Police Chief Hall, Captain Ron Coopman, and Sergeant Dan Schoonmaker for the grand opening of the new Police Substation last Friday in Little Saigon. Congressman Ed Royce, Congressman Dana Rohrabacher, and Congresswoman Loretta Sanchez helped the Police Department obtain funding for this new Police Station. Mayor Pro Tem Ta said that he will express the Mayor and Council's concerns to the OCTA Board meeting on Wednesday, March 4, 2009.

Mayor Rice attended the opening night of the 42nd Street production and the opening of the new Police Substation in Little Saigon. She reported that she and Council Members will be in Washington D.C. the second week of March lobbying for money to continue the Little Saigon project. Mayor Rice is very upset that the new OCTA plans are contrary to what the City was promised for the City's support on Measure M.

5.2 AB 1234 Reports - None

5.3 Request to consider an alternative date for the April 8, 2009 Regular Council Meeting. (103-08) (2009)

Ray Silver, City Manager suggested that the City Council hold its regular Council meeting after the joint study session with the Planning Commission on April 1, 2009 at 7:00 p.m.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to reschedule the April 8, 2009 Regular Council meeting to April 1, 2009 immediately after the Study Session.

The motion carried by a 5-0 vote.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (City/Agency) Mid-Year Budget Review (105-04) (2009)

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

- a. Receive the Mid-year Budget Review for Fiscal Year 2008-09;
- b. Review the recommendation regarding the eighth year tax increment funding allocation for the Infrastructure Revitalization Plan (IRP); and
- c. Direct staff to agendize approval of the IRP allocations and supplemental requests at the City Council/Agency meeting of March 25, 2009.

The motion carried by a 5-0 vote.

6.2 Agreement for Program and Construction Management for the New Police Facility. (702-08 & 502-07)

Council Member Quach stated that the amount of \$60 million for the new facility is below what he had anticipated it would cost.

Council Member Diep requested clarification on the management of the permitting and bidding by Griffin Structures.

Captain Mitch Waller explained that the new police facility construction is a public project and requires an open bid format. The delivery system for the building is unique because it is a Guaranteed Maximum Price (GMP) as opposed to a standard design bid build. Griffin Structures guarantees that the price for the building will not exceed \$54,352,000. The individual contracts will be brought back to Council for review and approval.

Council Member Quach asked who would be responsible to pay the difference if the amount to build the building is higher?

Captain Mitch Waller stated that Griffin Structures would bear the burden of the additional cost not the City.

Ray Silver, City Manager, stated that the amount of the bonds being sold next week is substantially more than what is being asked for here and asked the Finance Director to explain why.

Paul Espinoza, Director of Finance, informed Council that before staff got to the \$61,473,000 million dollar figure the City and the Agency had contributed to the Capital Improvement Project (CIP) to get the project to this point. He explained the reimbursement resolution allows for the City and Agency to be reimbursed for the costs already spent. The total amount of the bonds is \$65 million dollars.

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

- 1) Approve the Program Management Agreement inclusive of the Guaranteed Maximum Price (GMP) with Griffin Structures, Inc. in an amount not to exceed \$54,352,000.00; and authorize the City Manager to execute the agreement on behalf of the City; and
- 2) Authorize Griffin Structures, Inc. to manage the completion of permitting, bidding and construction of the new police facility on behalf of the City; and
- 3) Approve an appropriation in the amount of \$61,473,000.00 from the Infrastructure Redevelopment Project to the Capital Improvement Fund - Police Facility Construction (CIP Project).

The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) - None.

7.1 Request from the Vietnamese-American Community of Southern California to coordinate the installation of the Vietnamese Heritage Flags and American Flags in Westminster. (203-02)

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Fry to approve the request to install the flags on Southern California Edison street light poles from April 25, 2009 to May 4, 2009.

The motion carried by a 5-0 vote.

8. **LEGISLATIVE ITEMS - None.**
9. **COMMISSION AND COMMITTEE ITEMS - None**
10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:10 p.m., Mayor/Agency Chair Rice adjourned the meeting.


Pat Jacquez-Nares
Assistant City Clerk/Agency Secretary