

"Approved by the City Council/Redevelopment Agency Board on May 27, 2009"

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

**WESTMINSTER, CALIFORNIA
April 22, 2009**

The City Council/Agency Board of the City of the Westminster, California convened on April 22, 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 (Arrived at 6:35 p.m.), DIEP
ABSENT: NONE**

CLOSED SESSION

- 1) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 14452 Chestnut Street; Agency Negotiator: Executive Director Ray Silver, Chet Simmons, Economic Development Specialist and Marwan Youssef, Director of Public Works/City Engineer; Negotiating Party: Thao Lee; Under Negotiation: Price and Terms of Payment; and
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a): Existing Litigation: Hendrick vs. City of Westminster; OC Superior Case No. 07CC09208.

RECESS: At 7:10 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 7:15 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

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

The Assistant 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.

1) Item No. 3.1 The actions of the Planning Commission meeting held on April 15, 2009.

A memo from Doug McIsaac, Community Development Director, dated and received on April 22, 2009 informing the Mayor and City Council that there was an inadvertent error on the Agenda, Item 3.1, regarding an action of a Planning Commission item (Case No. 2009-14)

1. ORAL COMMUNICATIONS

Connie Davis, resident of Westminster, expressed her concerns with traffic and parking on Humboldt Avenue.

David Davis, resident of Westminster, expressed his concerns with the parking and traffic noise on Humboldt Avenue.

Dale Bradberry, resident of Westminster, expressed his concerns with the City's spending and the amount of the bonds for the new Police Station and parking structure. He also questioned the tracking of the water use from the construction of the new homes across from Smith School, the status of the water rates, and water fund usage.

Judy Ahrens, resident of Westminster, spoke in regards to energy saving light bulbs that contain mercury.

Darrell A. Nolta, resident of Westminster, stated his protest to the agenda format. He reminded everyone that April is the anniversary of the fall of Vietnam. Mr. Nolta is concerned with the death of cyclists in our City. He also encouraged the community to read Bob Crossley's 2006/2008 General Election Analysis printed in the Orange County Register. Mr. Nolta requested clarification on the change to the Shoreline Ambulance payments. He stated his support of the parking restrictions on the south side of Bishop and the parking fine offsets. Mr. Nolta commended City Manager Ray Silver and wished him the best on his retirement.

SPECIAL PRESENTATIONS:

- A. The Mayor and City Council presented Certificates of Commendation to the Westminster Council PTA Reflections Contest Winners.
- B. The Mayor and City Council presented Chief Battalion Chuck Nicola and Investigator, Steve Pardi a Proclamation declaring Arson Awareness Week, May 3-9, 2009. (115-00) (2009)

- C. The Mayor and City Council presented a commemorative City Tile to Ray Silver, City Manager. Mr. Silver presented a Resolution of Appreciation to the Mayor and City Council.

2. CONSENT CALENDAR

The Assistant City Clerk read the title of Urgency Ordinance No. 2445 from Item 2.16 into the record.

APPROVAL OF MINUTES

- 2.1 (City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of March 25, 2009 and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of April 8, 2009.**

ACTION: Approved.

ROUTINE MATTERS

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

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

- a) Darryl Patterson in the amount of \$470,000.00.
- b) American Tow and Auto Repairs \$4,085.74.
- c) State Farm Insurance in the amount of \$510.58.
- d) Judith Carrion in the amount of \$7,000.00.

- 2.3 Agreement to Transfer Property or Funds for the 2008 Orange County Homeland Security Grant Program Purposes. (502-15)**

ACTION: The Mayor and City Council approved an agreement with the County of Orange to transfer property or funds for the 2008 Homeland Security Grant Program purposes and authorized the Chief of Police to execute the agreement on behalf of the City.

(ITEM REMOVED AND HEARD SEPARATELY)

- 2.4 Revised classification specification for City Clerk. (110-04)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the revised classification specification for City Clerk.

The Mayor and Council directed staff to provide a redlined version of the classification specification for review.

Motion was made by Council Member Fry, and seconded by Council Member Quach to continue this Item to the May 13, 2009 City Council meeting. The motion carried by a 5-0 vote.

2.5 Increase Purchase Order with Dooley Enterprise, Inc. and San Diego Police Equipment for Firearm Ammunition for Fiscal Year 2008-09. (106-00)

ACTION: The Mayor and City Council authorized purchase order increases for the purchase of Firearm Ammunition as follows:

- 1) Authorized an increase of \$10,000 to Purchase Order 5156 with Dooley Enterprises; and
- 2) Authorized an increase of \$10,000 to Purchase Order 5155 with San Diego Police Equipment

(ITEM REMOVED AND HEARD SEPARATELY)

2.6 (Agency) Exclusive Negotiation Agreement with Sequoia Standard for Workforce Housing (502-19)

Council Member Diep asked staff for an explanation of why this item was pulled at the April 1, 2009 meeting and being brought back for consideration at this meeting.

Doug McIsaac, Community Development Director, explained that staff was in the process of interviewing affordable housing developers to determine what direction to go with the City's affordable housing program. It was found there is a greater need of acquiring and rehabilitating existing housing complexes. A meeting was held with Al Marshall, Sequoia Standard at which the City expressed its desire to see lower density than that which was proposed; incorporation of more open space; high quality design and architecture; and fully compliant parking. Mr. McIsaac further stated that Mr. Marshall and his partner expressed their willingness to comply with the City's desired direction, and based upon the positive outcome of the meeting, staff is bringing the item back for consideration.

Ray Silver, City Manager stated that with the AMCAL project, the property was sold to AMCAL. Future recommendations will be that the Agency maintain ownership of the land and enter into a long-term lease. Mr. Silver stated Mr. Marshall was told so that he fully understands going into the process, that the Agency could not go forward with the proposed project unless the three changes mentioned by Mr. McIsaac were made, along with the lease rather than the sale of the land. This is what will be negotiated during the ENA period of 120 days. An agreement will come back either in the form of a Disposition and Development Agreement, or it will not go forward.

Motion was made by Agency Vice Chair Ta, and seconded by Agency Member Diep to approve the Exclusive Negotiation Agreement (ENA) with Sequoia Standard for a proposed Workforce Housing development at 202-210 Hospital Circle, and authorize the Chair to execute the Agreement on behalf of the Agency.

The motion carried by a 5-0 vote.

2.7 Microsoft Enterprise Agreement for software maintenance and updates. (502-18)

ACTION: The Mayor and City Council approved the City of Westminster renewing participation in an Enterprise Agreement negotiated by the County of Riverside with Microsoft for software support and updates for a period of 5 years for a fixed yearly fee of \$76,431.47. The reseller for the transaction under the County of Riverside Agreement is CompuCom Systems Inc.

2.8 Change Order with ASCI Security and Notice of Completion for Keri Access Control System for City Buildings. (502-01)

ACTION: The Mayor and City Council:

- 1) Approved an increase of \$7,983.00 to Purchase Order No. 5690 with ASCI Security; and
- 2) Accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

2.9 Change Order with Thomco Construction, Inc. and Notice of Completion for Senior Center Men's and Women's Restroom ADA Upgrade at Community Services Building. (502-20)

ACTION: The Mayor and City Council:

- 1) Approved an increase of \$1,432.00 to Purchase Order No. 5905 with Thomco Construction, Inc.; and
- 2) Accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

2.10 Notice of Completion for the Work Performed by All American Asphalt, Inc. for City-Wide Residential Overlay Street Improvements Project - Project No. Overlay 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.

2.11 Notice of Completion for work performed by C.S. Legacy for the Community Services Parking Lot Improvements. (502-03)

ACTION: The Mayor and City Council:

- 1) Allocated \$22,544.44 from the Redevelopment Fund Contingency Account to the Community Services Parking Lot Improvements Account to cover the costs of the project; and
- 2) Accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

2.12 Coastline Community College Proposed Signage on Westminster Boulevard. (203-02)

ACTION: The Mayor and City Council:

- 1) Approved the Coastline Community College's proposal to install directional signage on Westminster Boulevard; and
- 2) Waived the permit fee for Coastline Community College to complete the work.

(ITEM REMOVED AND HEARD SEPARATELY)

2.13 County of Orange City Aid Program Agreement for Fiscal Year 2009-2010. (502-15)

Mayor Rice abstained due to a potential conflict of interest.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to approve an agreement with the County of Orange for participation in "Proposition 42 City Aid Program" funding, and authorize the Mayor to execute the agreement on behalf of the City, for the following City-Wide Residential Overlay Street Improvement Projects:

- a) Klamath Drive from N/O Kiowa Road to N/O Navajo Road
- b) Apache Road from E/O Seneca Drive to W/O Edwards Street
- c) Kiowa Road from E/O Cheyenne Road to W/O Cayuwa Road
- d) Riata Street from S/O Jennrich Avenue to End.
- e) Cloverdale Avenue from E/O Grey Oaks Street to End *
- f) Candlewood Street from Westhaven Drive to Cloverdale Avenue *

*(Only if additional funds over \$217,120 are granted by the County)

The motion carried by a 4-0-1 vote. (Mayor Rice abstained)

2.14 Budget Amendment to Human Trafficking Grant. (105-11) (2009)

ACTION: The Mayor and City Council:

- 1) Approved an amendment to the Fiscal Year 2008-09 adopted budget to modify budgeted expenditures for Fund 252 of the Orange County Human Trafficking Task Force (OCHTTF) Grant.
- 2) Approved the immediate hiring of two Civilian Investigators to be funded by the OCHTTF Grant.

ORDINANCES (SECOND READING)/RESOLUTIONS

2.15 (Second Reading) Ordinance No. 2444 - An Ordinance of the Mayor and City Council of the City of Westminster Amending the Official City of Westminster Zoning Map Implementing a Change of Zoning (Case No. 2009-05) from C-2, Commercial General-Business to R-5, Residential Multiple-Units (19 to 24 units per acre) District for the property located at 13931 Cedar Street (Assessor's Parcel Number 096-083-17). (201-00 CN 2009-05)

ACTION: The Mayor and City Council adopted Ordinance No. 2444 and waived further reading.

2.16 (Second Reading) Ordinance No. 2443 - An Ordinance of the Mayor and City Council of the City of Westminster authorizing an amendment to the contract with the California Public Employees' Retirement System. (502-03)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to adopt Ordinance No. 2443 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Authorizing an Amendment to the Contract between the City Council of the City of Westminster and the Board of Administration of the California Public Employees' Retirement System", and waive further reading.

The motion carried by the following vote:

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

(Urgency Ordinance) Urgency Ordinance No. 2445 - An Urgency Ordinance of the Mayor and City Council of the City of Westminster authorizing an amendment to the contract with the California Public Employees' Retirement System. (502-03)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to adopt Urgency Ordinance No. 2445 entitled, "An Urgency Ordinance of the Mayor and City Council of the City of Westminster Authorizing an Amendment to the Contract between the City Council of the City of Westminster and the Board of Administration of the California Public Employees' Retirement System", and waive further reading.

The motion carried by the following vote:

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

- 2.17 Resolution No. 4226 - A Resolution of the Mayor and City Council of the City of Westminster Approving Case No. 2008-69 Pertaining to a Variance Request to Maintain an Existing One-Car Garage In-Lieu of Modifying the Garage into a Two-Car Garage Located at 14162 Nancy Lee Drive (Assessor's Parcel Number 195-312-09). (201-00 CN 2008-69)**

ACTION: The Mayor and City Council adopted Resolution No. 4226.

ADMINISTRATIVE ITEMS

- 2.18 Fee Waiver Request from the Union of Vietnamese Students Association of Southern California to hold its first annual Youth Conference in the East/West room in the Community Services & Recreation building on Saturday, April 25, 2009 from 2:45 p.m. to 6:30 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/Non-Profit Organizations.

- 2.19 Special Event Permit application from The Vietnamese American Unified Buddhist Congress in the USA to hold Buddha's Birthday Celebration on Sunday, May 10, 2009 between the hours of 8:00 a.m. until 8:00 p.m. (includes set up and clean up times). The event will take place at the Buddhist Temple located at 14472 Chestnut Street. Applicant estimates the attendance will be 800 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

2.20 (City Council/Redevelopment Agency) Warrant Register dated March 25, 2009 through April 14, 2009. (105-09) (2009)

ACTION: Approved.

INFORMATION AND REPORTS

2.21 Minutes of the Youth Committee meeting held on February 11, 2009. (104-17) (2009)

ACTION: Received and filed.

2.22 Minutes of the Planning Commission meeting held on March 18, 2009. (104-11) (2009)

ACTION: Received and filed.

2.23 Community Development Monthly Activity Report - March 2009. (216-01) (2009)

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 Nos. 2.4, 2.6 and 2.13, which were 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 April 15, 2009.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of April 15, 2009

- 1) Case No. 2009-14 Zoning Text Amendment to allow limited entertainment in conjunction with a restaurant, bar, lounge, club coffee shop or any other similar establishment without a conditional use permit within Commercial

Districts. Planning Commission Action: Recommended against the adoption of the ordinance 3-2 (Tran, Vo). This action is final unless appealed. Appeal period ends May 4, 2009.

- 2) Case No. 2008-88 Design Review and Site Plan Review to develop three residential apartment units located at 7742 13th Street. Planning Commission Action: d 5-0. Appeal period ends May 4, 2009.
- 3) Case No. 2006-82 Review of previously approved Conditional Use Permit for Howie's Game Shack Located at 1025 Westminster Mall. Planning Commission Action: Received and filed 5-0.
- 4) Case No. 2008-52 Review of a previously approved Conditional Use Permit for Citryst Restaurant located at 15440 Brookhurst Street. Planning Commission Action: Voted not to initiate a public hearing 3-2 (Turro, Bertels).

Mayor Rice called up Item No. 4 and requested scheduling the conditional use permit review with the Citryst Restaurant appeal hearing on the police permit suspension.

4. PUBLIC HEARINGS

4.1 Allocation of FY 2009-2010 HOME Investment Partnerships (HOME) and Community Development Block Grant (CDBG) funds. (109-01) (2009)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Allocate FY 2009 HOME funds in the amount of \$455,343 and FY 2009 CDBG funds in the amount of \$1,108,334 as per the 2009 Allocation Spreadsheets attached to the staff report, contingent upon the successful completion of the environmental process; and
- 2) Authorize the City Manager to execute all required documents and submit the application to the U. S. Department of Housing and Urban Development (HUD) by May 15, 2009.

Kathy Johnston, Housing Supervisor, stated that staff's recommendation is based on a ten percent reduction, as recommended by the Housing and Urban Development (HUD) representative. However, HUD has not released the final allocations. She informed Council of a correction to page three of the spreadsheet and noted that page three has been corrected to view on the screen.

Council Member Diep requested clarification on staff's recommendation for a ten percent reduction and the services provided by the recipients.

Ms. Johnston explained that the ten percent reduction is from the total allocation amount given last year and the funding was in accordance with that number. She said that there is some overlap of services provided by the recipients.

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

Dustin Manhart, Community Senior Serv, thanked the Mayor and City Council for their support.

Darrell A Nolta, resident of Westminster, stated he is shocked by the amount of funding available to the community. He is an advocate of Abrazar and supports funding for food, medical, dental, transitional housing and domestic violence programs.

Crystal R. Wadsworth, Executive Director of Westminster Chamber of Commerce, commented that the fair and equitable thing to do is a ten percent decrease to all programs including City sponsored programs. She would like to see the funding allocated to the programs that serve the greater number of people in the community.

Judy Ahrens, resident of Westminster, spoke in opposition.

Tish Murry, Boys and Girls Club, spoke in favor and thanked the Mayor and City Council for their continued support. She encouraged the Council to look at the duplication of services to see if they can be combined. She also requested that the funding be given to the programs that serve the greater number of community members.

Gloria Reyes, Abrazar, spoke in favor. She stated that there are programs being duplicated. She would also like to see funding provided to the programs that serve the greater number of constituents.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Doug McIsaac, Community Development Director, said that unfortunately the City has not received the final allocation from HUD before this public hearing. Staff is taking HUD's recommendation and decreasing the amount by ten percent. If additional funds become available, it is staff's intention to allocate the additional funds to the nonprofit programs.

The Council concurred with Mayor Pro Tem Ta's proposal that the City hold a workshop next year to help the groups come together to help avoid duplication of services due to the shortage of available funding.

Council Member Diep said that some City services may be better provided by non-profit organizations because the non-profit organizations can provide the services for less. He requested that City staff be fair and provide a ten percent decrease on all programs including City programs.

Motion was made by Council Member Quach, and seconded by Council Member Fry and carried by a 5-0 vote to allocate funds as follows:

2009-2010 HOME Funds Funding Requests & Allocation

<u>A. City's Affordable Housing Program</u>	<u>Project</u>	<u>Approved</u>
City Program	Acquisition	\$341,507
CHDO funds (15%)	Acquisition	\$68,302
<u>B. Home Administration</u>		
Program Administration (10% cap)		\$45,534
Totals:		\$455,343

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta and carried by a 5-0 vote to allocate funds as follows:

2009-2010 Community Development Block Grant (CDBG) Public Services

<u>A. Public Services Requests</u>	<u>Project</u>	<u>Approved</u>
Abrazar, Inc	Dental Care, Education and Food	\$14,500
Acacia Adult Day Services	Adult Day Care	\$1,000
American Family Housing, Inc.	Cedar Transitional Program	\$3,325
American Family Housing, Inc.	Jackson House Transitional	\$3,325
American Family Housing, Inc.	Locust House Transitional	\$3,325
Boys & Girls Club	Project Learn	\$10,000
Colette's Children's Home	Women & Children Trans. House	\$500
Community Senior Serv	Homebound Meals	\$20,675
Community Svs. & Rec.	Family Resource Center	\$33,000
Community Svs. & Rec.	Middle School Enhancement	\$15,000
Community Svs. & Rec.	Project S.H.U.E.	\$25,000
Community Svs. & Rec.	Red Cross Lifeline Program	\$6,600
Community Svs. & Rec.	Senior Outreach Program	\$15,000
Interval House	Domestic Violence Crisis Support Services	\$15,000
Total Allocated		\$166,250

Motion was made by Council Member Fry, and seconded by Mayor Rice and carried by a 3-2 vote (Council Members Quach and Diep - Noes) to allocate funds as follows:

**2009-2010 CDBG Construction & Rehabilitation Projects Available
Funding \$942,084**

B. Construction & Rehabilitation Projects

Nonprofit Project Requests

Boys & Girls Club

Project

Gym Remodel

Approved

\$36,719

Public Works Department

Reconstruct AC pavement, minor curb, and gutter and access ramps Priority #1

23rd Street

\$62,100

Reconstruct AC pavement, minor curb, and gutter and access ramps Priority #2 - #4

Oso & Pal Way & Stahov

\$86,000

Reconstruct AC pavement, minor curb, and gutter and access ramps Priority #5 - #8

Arvilla, Emerado & Amidon Circle & Jefferson

\$143,175

Streets Subtotal \$291,275

C. Community Development Department

Code Enforcement

Code Enforcement Staff

\$262,424

Grants & Housing Division Prior year reallocated

Housing Rehab

\$130,000

CDD Subtotal \$392,424

D. CDBG Administration (20% cap)

CDBG

Program Administration

\$203,786

Fair Housing Council of Orange County

Westminster Fair Housing

\$17,880

Subtotal \$221,666

Items B, C & D Total Allocated \$942,084

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Quach requested time at the next meeting to give Council a full report on his night market research.

Council Member Diep wished the Council Members attending the International Council of Shopping Centers (ICSC) Conference a successful trip.

Mayor Pro Tem Ta thanked Lavada Cordasco, City Cable T.V. Production Supervisor, and WTV-3 staff for the excellent State of the City video. He thanked the Senior Center staff for organizing the Volunteer of the Year dinner that he and Council Member Fry attended. He invited everyone to attend the grand opening of the Vietnamese Boat People Monument at Westminster Memorial Park on Saturday, April 25, 2009 at 1:00 p.m.

Mayor Rice thanked Lavada Cordasco, City Cable T.V. Production Supervisor, Vicki Morgan, Code Enforcement Manager, staff and the Chamber of Commerce for their excellent work on the State of the City event. She informed the Council that she will be out of town from April 29 - May 5, 2009 and that Mayor Pro Tem Ta will be Acting Mayor.

5.2 AB 1234 Reports - None

5.3 Consideration of changing payment terms for Shoreline Ambulance from monthly to weekly. (502-19)

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Ta to approve changing the payment terms from monthly to weekly.

The motion carried by a 5-0 vote.

5.4 Resolution No. 4228 - A Resolution of the Mayor and City Council of the City of Westminster declaring the Vietnamese Boat People Memorial as a Symbol of Freedom and Place of Remembrance. (103-12)

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Diep to adopt Resolution No. 4228.

The motion carried by the following vote:

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

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Special Event Permit application from The Southern California Dachshund Rescue to hold a Picnic, Adoption and Education Event on Saturday, June 6, 2009 between the hours of 8:00 a.m. until 5:00 p.m. (includes set up and clean up times). The event will take place at Indian Village Park located at 6060 Hefley Street. Applicant estimates the attendance will be 100 people. (213-02) (SO)

Council Member Fry requested to schedule a discussion on decreasing the required insurance amount to one million on the May 13, 2009 City Council agenda.

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

- 1) Approve the Special Event Permit application subject to the conditions attached to the staff report; and
- 2) Waive the \$100 processing fee; and
- 3) Decrease the special event insurance amount from \$2,000,000. (two million dollars) per occurrence and general aggregate, to \$1,000,000. (one million dollars) per occurrence and \$2,000,000. (two million dollars) general aggregate. Westminster Municipal Code Section 9.61.080 gives the City Council the discretion to either increase or decrease the amount of insurance coverage required for events.

The motion carried by a 5-0 vote.

6.2 Status report on the Moran and Weststate Streets Business Area Land Use Study, including the results of parking and traffic studies and the outcome of meetings with property owners on Moran and Weststate Streets. (906-02)

Art Bashmakian, Planning Manager, provided a brief history and PowerPoint presentation on the status of this project. (On file in the City Clerk's Office)

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Diep to receive and file the report on the Moran and Weststate Streets Business Area Land Use Study and direct staff to continue the comprehensive planning efforts (the formulation of development and design standards and procedures to facilitate new mix of uses including retail, restaurant, entertainment, office, residential and other service oriented uses), with the exception of the properties along Weststate Street.

The motion carried by a 5-0 vote.

6.3 Administrative Regulation-Naming City Facilities. (103-02)

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Diep to approve the Administrative Regulation for naming City facilities and direct the City Manager to implement the policy.

The motion carried by a 5-0 vote.

6.4 Professional Services Contract with Revenue & Cost Specialists, LLC (RCS) to perform a Comprehensive User Fee Study. (502-18)

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

1. Authorize an appropriation in the amount of \$18,000 to the Finance Administration Program; and
2. Approve the Professional Services Contract with RCS in the amount of \$18,000 for updating the City's Cost Control System and authorize the City Manager to execute the Agreement on behalf of the City.

The motion carried by a 5-0 vote.

6.5 (City/Agency) Fiscal Year 2008-09 Education Revenue Augmentation Fund (ERAF) Shift. (103-02)

Motion was made by Council/Agency Member Quach, and seconded by Mayor Pro Tem/Agency Vice Chair Ta to approve the payment of \$2,498,095 (Two Million Four Hundred and Ninety Eight Thousand and Ninety Five Dollars) to the California Department of Finance.

The motion carried by 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) - None**7.1 Request from The Rose Center Foundation for financial assistance from the City in the amount of \$2,500 to help defray expenses for the Mayor's Ball to be held on Saturday, June 20, 2009. (213-04)**

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

- 1) Approve a budget transfer of \$2,500 from the General Fund Unrestricted/Undesignated Fund Balance to the Community Promotions Special Departmental Expenses Account; and
- 2) Approve the request from The Rose Center Foundation for financial assistance with the Mayor's Ball in the amount of \$2,500.

The motion carried by a 5-0 vote.

8. LEGISLATIVE ITEMS**8.1 Consideration of Ordinance No. 2446 establishing procedures for bidding on public projects under the Uniform Public Construction Cost Accounting Act. (106-04)**

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to introduce Ordinance No. 2446 "An Ordinance of the Mayor and City Council of the City of Westminster to amend Chapter 3.44 (Purchasing System) of the Westminster Municipal Code, and adding Chapter 3.45 relating to procedures for Public Projects under the Uniform Public Construction Cost Accounting Act", and waive further reading.

The motion carried by the following vote:

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

9. COMMISSION AND COMMITTEE ITEMS**9.1 Staff Proposal to Install Parking Restrictions on the South Side of Bishop Place West of Brookhurst Street-T.C. 09-100. (608-02)**

Council Member Quach said he lives on Brookhurst Street, therefore abstained on this item and left the dais.

Council Member Diep said that he is hesitant to remove on-street parking.

Marwan Youssef, Public Works Director/City Engineer, said the street is not wide enough to support the on-street parking with the addition of the turning lanes.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Ta to adopt Resolution No. 4227 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Providing for No Parking or Stopping at a Certain Location on the South Side of Bishop Place, West of Brookhurst Street."

The motion carried by the following vote:

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

Council Member Quach returned to the Council dais.

9.2 Request to Install All-Way Stop Signs at the Intersection of Jackson Street and 23rd Street - T.C. 88-116. (607-03)

TRAFFIC COMMISSION RECOMMENDATION: That the Mayor and City Council adopt Resolution No. 4219 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of all-way stop signs at the intersection of Jackson Street and 23rd Street".

Marwan Youssef, Public Works Director/City Engineer, stated the item was deferred from the last Council meeting for clarification on the recommendation. The Traffic Commission recommends the installation of all-way stop signs and staff's recommendation was against the installation of the all-way stop signs. The intersection does not meet the warrant for the all-way stop signs.

Motion was made by Council Member Quach, and seconded by Council Member Fry to respectfully decline the Traffic Commission's request and go with the original staff's recommendation.

The motion carried by the following vote:

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

9.3 Parking Fine Offset Pursuant to Senate Bill 1407 and Fine Increases for Commercial Vehicle and Street Sweeping Violations. (105-07)

Mayor Rice requested clarification on the fee increases.

Mitch Waller, Police Captain, clarified that the current base fine on commercial vehicles is \$38.00. Staff's recommendation is to increase the commercial vehicle fine by \$14.00 to \$52.00. The current street sweeping fine is \$30.00. Staff is recommending a \$7.00 increase to take the fine to \$37.00. In 1992 the courts deemed that parking violations are no longer a criminal violation, and leaves it to the City to set their own fines when it comes to municipal code violations.

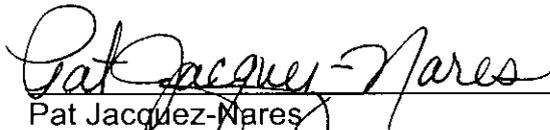
Motion was made by Council Member Fry, and seconded by Mayor Rice to adopt Resolution 4221 entitled, "A Resolution of the Mayor and City Council of the City of Westminster concerning the increase in parking fines to offset state penalties under Senate Bill 1407 and an increase in commercial vehicle and street sweeping parking fines," enacting the following changes:

- a) SB 1407 raises the state court construction penalty collected on all parking violations by \$4.50;

- b) Approve an increase in the base commercial vehicle parking fine of \$14.00; and
- c) Approve an increase in the base street sweeping violation fine of \$7.00.

The motion carried by a 4-0-1 vote. (Council Member Diep Abstained)

10. **COUNCIL/AGENCY ADJOURNMENT:** At 10:30 p.m. the Mayor Chair Rice adjourned the meeting in memory of Chaplain Charlie Wilkins, to Wednesday, May 6, 2009 at 6:00 p.m. in the Council Chambers for the purpose of a study session to discuss the 2009-10 budget and other City/Agency business.



Pat Jacquez-Nares
Assistant City Clerk/Acting Agency Secretary