

"Approved by the City Council/Redevelopment Agency Board on June 10, 2009"

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
May 13, 2009

The City Council/Agency Board of the City of the Westminster, California convened on May 13, 2009 at 7:15 p.m. in Regular Meeting in the Council Chambers, 8200 Westminster Boulevard, Westminster, California.

7:00 P.M.

CALL TO ORDER: 7:15 p.m.

ROLL CALL

PRESENT: RICE, TA, FRY, DIEP
ABSENT: QUACH

SALUTE TO FLAG: Mayor Pro Tem Ta

INVOCATION: Council Member Fry

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS - None

Mayor Rice requested that the speakers that were present for Item Numbers 9.1 and 9.2 be heard during the item and not during Oral Communications.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Fry to bring forward and consider Item 9.1 after the Consent Calendar.

The motion carried by a 4-0 vote.

A. Presentation of 2010 Census Partner Proclamation. (115-00)(09)

Mayor Rice brought Item 2.2 forward during Special Presentations. The Mayor and City Council presented the Proclamation to Nhi Ho accepting on behalf of Peter Nguyen.

B. Presentation of Grad Night Checks to Westminster High School, La Quinta High School and Ocean View High School.

The Mayor and City Council presented Grad Night checks to Trees Hill and Rubi Mendivil from Westminster High School, Chelsea Olmstead and Kourtney Karpinski from La Quinta High School, and David Hernandez and Letty Hernandez from Ocean View High School.

2. CONSENT CALENDAR

APPROVAL OF MINUTES

2.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meetings of the City Council/Redevelopment Agency of April 1, 2009 and May 6, 2009.

ACTION: Approved.

ROUTINE MATTERS

- 2.2 2010 Census Partner Proclamation declaring the City's commitment to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010. (115-00)(09)**

ACTION: Approved.

- 2.3 Increase Purchase Order with Verizon Business. (106-00)(09)**

ACTION: The Mayor and City Council authorized an increase of \$3,100 to the purchase order with Verizon Business for Internet access.

- 2.4 Civic Center Data Network Upgrade. (502-03)**

ACTION: The Mayor and City Council approved the purchase of data network equipment from CDW-G in the amount of \$95,911.77 to support the installation of a new Voice over IP (VoIP) phone system.

- 2.5 Revised Classification Specification for City Clerk. (110-04)**

ACTION: The Mayor and City Council approve the revised classification specification for City Clerk.

- 2.6 Purchase of One Street Stencil Truck - Unit No. 3102. (502-18)**

ACTION: The Mayor and City Council approved the purchase of one Street Stencil Truck in the amount of \$92,067.75 from Roadline Products Inc.

- 2.7 Increase Purchase Order for Community Services Parking Lot Improvements. (502-03)**

ACTION: The Mayor and City Council approved an increase of \$62,191.44 to Purchase Order No. 5919 to C.S. Legacy to cover the cost of change orders issued for the project.

- 2.8 Covenant and Agreement to Hold Property as One Parcel for 8201 Westminster Boulevard. (502-32)**

ACTION: The Mayor and City Council accepted the subject document and authorized the City Clerk to record the agreement with the County Recorder's Office.

- 2.9 Increase Purchase Order for "Control Valve Maintenance for Well Sites and Distribution System for FY 2008/09. (106-00)(09)**

ACTION: The Mayor and City Council approved an increase of \$2,700.00 to Purchase Order No. 5288 with Cla-Val Company.

2.10 West Orange County Water Board's Operational Budget for FY 2009/10. (610-11)

ACTION: The Mayor and City Council approved the West Orange County Water Board's FY 2009/10 budget.

2.11 Local Government Sharing Program Agreement. (502-03)

ACTION: The Mayor and City Council approved Agreement No. C0800210 with the State of California Franchise Tax Board for the period June 1, 2009 through December 31, 2011, and authorized the City Manager to execute the agreement on behalf of the City.

2.12 Contractual Joint Venture Agreement with the County of Orange to provide services for the Family Resource Center. (502-15)

ACTION: The Mayor and City Council:

- 1) Approved the Contractual Joint Venture Agreement with the County of Orange to provide services at the Family Resource Center in the amount of \$231,335 for fiscal year 2009/10 and authorize the City Manager to execute the agreement on behalf of the City;
- 2) Authorized a purchase order for counseling and case management services to Western Youth Services in the amount of \$52,875; and
- 3) Authorized a purchase order for domestic violence, intervention/education and counseling services to Interval House in the amount of \$16,095

2.13 (City/Agency) Approval of Consulting Services Agreement with Hennessey Group to Provide Redevelopment, Economic Development, Affordable Housing and General Management Support to the City/Agency. (502-08)

ACTION: The City Council/Agency Board approved an agreement between the City of Westminster, the Westminster Redevelopment Agency, and Hennessey Group in an amount not to exceed \$150,000, during the life of the one year agreement, to provide assistance to the City/Agency in the areas of economic development, affordable housing, redevelopment and general management consulting services.

2.14 Mortgage Credit Certificate Affordable Homebuyer Assistance Program. (502-15)

ACTION: The Mayor and City Council:

- 1) Adopted Resolution No. 4234 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting a Mortgage Credit Certificate Program in Cooperation with the County of Orange"; and

- 2) Approved the Cooperative Agreement with the County of Orange for the Mortgage Credit Certificate Program and authorized the Mayor to execute the agreement on behalf of the City.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 2.15 (Second Reading) 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. (106-04)**

ACTION: The Mayor and City Council adopted Ordinance No. 2446 and waived further reading.

- 2.16 Resolution No. 4233 - A Resolution of the Mayor and City Council of the City of Westminster Authorizing Official Signatures on behalf of the City for Safekeeping City Property and Authorizing Facsimile Signatures for Instrument of Payment. (105-13)**

ACTION: The Mayor and City Council adopted Resolution No.4233.

- 2.17 (Agency) Resolution No. 205 - A Resolution of the Westminster Redevelopment Agency of the City of Westminster Authorizing Official Signatures on behalf of the Agency for Safekeeping Agency Property and Authorizing Facsimile Signatures for Instrument of Payment. (105-13)**

ACTION: The Chair and Agency Board adopted Resolution No. 205.

WARRANT REGISTER

- 2.18 (City Council/Redevelopment Agency) Warrant Register dated April 15, 2009 through May 5, 2009. (105-09)(09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 2.19 Minutes of the Planning Commission meeting held April 15, 2009. (104-11)**

ACTION: Received and filed.

- 2.20 Treasurer's Report - March 2009. (105-08)(09)**

ACTION: Received and filed.

2.21 Minutes of the Traffic Commission meeting held March 31, 2009. (104-12)

ACTION: Received and filed.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Diep to approve the Consent Calendar. The motion carried by a 4-0 vote.

END OF CONSENT CALENDAR

9.1 Request for the Installation of 40 Minute Timed Parking Restrictions at 14801 and 14802 Moran Street- T.C. 89-106. (608-02)

TRAFFIC COMMISSION RECOMMENDATION: The Traffic Commission recommends that the Mayor and City Council approve the installation of parking restrictions at the subject location and adopt Resolution No. 4232 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for timed parking restrictions at 14801 and 14802 Moran Street".

Anh Do, Westminster resident spoke in favor of the Traffic Commission's recommendation of installing parking restrictions on Moran Street.

Linh Nguyen, Westminster resident spoke in favor of the installation of the parking restrictions. He displayed pictures of the parking situation on Moran Street on the overhead projector.

Crystal Wadsworth, Executive Director of Westminster Chamber of Commerce spoke in favor of the installation of the parking restriction on Moran Street. She said that she is happy that the City is helping the businesses and not hindering them.

Darrell Nolta, Westminster resident spoke in favor of the installation of the parking restrictions.

Mayor Pro Tem Ta clarified that no matter what the decision is tonight, the Council is not trying to hinder any Freedom of Speech. He hopes that the decision will benefit the community, businesses and residents.

Council Member Fry spoke in favor of the parking restrictions.

Mayor Rice feels that 20 or 25 minutes would have been sufficient, but support the 40 minute parking restrictions.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Fry to approve the installation of parking restrictions at the subject location and adopt Resolution No. 4232 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for timed parking restrictions at 14801 and 14802 Moran Street".

The motion carried by the following vote:

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

9.2 Proposed Amendment to the Westminster Municipal Code for "Forty Minute Parking". (106-04)

TRAFFIC COMMISSION RECOMMENDATION: The Traffic Commission recommends that the Mayor and City Council approve the amendment to Municipal Code Section 10.44.180, and introduce Ordinance No. 2447 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Amending Section 10.44.180 of the Westminster Municipal Code to Remove any Reference to Sundays, Holidays, and Time of Day for Forty Minute Parking Restrictions", and waive further reading.

Motion was made by Council Member Fry, and seconded by Council Member Diep to approve the amendment to Municipal Code Section 10.44.180, and introduce Ordinance No. 2447 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Amending Section 10.44.180 of the Westminster Municipal Code to Remove any Reference to Sundays, Holidays, and Time of Day for Forty Minute Parking Restrictions", and waive further reading.

The motion carried by the following vote:

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

1. ORAL COMMUNICATIONS

Dale Bradberry, Westminster resident, requested to get information on how much money the City has spent on consultants from last year until the present.

Darrell Nolta, Westminster resident expressed his opposition to the agenda format and how he feels that people should be able to speak during the time the item is heard. He feels that Council Member Diep is required to state why he recused himself from voting on the parking violation item at the April 22, 2009 City Council meeting. Mr. Nolta stated that on June 2nd, OCFA will speak to address many issues, including the performance of OCFA during the last major fire in November, 2008.

Gary Burton, Westminster resident spoke in regards to the budget and inquired as to what will be eliminated. He also spoke in regards to the water rate increase.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**3.1 The actions of the Planning Commission meeting held on April 29, 2009.**

The Planning Manager reviewed the actions of the Planning Commission meeting of April 29, 2009.

- 1) Case No. 2009-02 Conditional Use Permit to allow a cocktail lounge/bar, entertainment and on-sale and consumption of beer, wine and distilled spirits at a proposed restaurant and cocktail lounge at 6777 Westminster Boulevard (#A) (Westminster Center). Planning Commission Action: Approved 5-0. Appeal period ends May 18, 2009.
- 2) Case No. 2009-03 Conditional Use Permit to allow on-sale and consumption of beer and wine in conjunction with an existing restaurant (Kori Sushi) at 13531 Beach Boulevard. Planning Commission Action: Approved 5-0. Appeal period ends May 18, 2009.
- 3) Case No. 2009-07 Variance to increase the sign area of an existing pylon sign at 8602 Westminster Boulevard (West Grove Plaza). Planning Commission Action: Variance denied 5-0. Appeal period ends May 18, 2009.
- 4) Case No. 2006-87 Six month review of a previously approved Conditional Use Permit for and existing restaurant (Social Crawfish Connection) at 14541 Brookhurst Street. Planning Commission Action: Received and filed. 5-0.
- 5) Case 2009-24, Initiation of a Zoning Text Amendment regarding the use of artificial turf. Planning Commission Action: Initiated the ZTA. 5-0

Council Member Diep pulled up Item No. 1 for review.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Ta to receive and file Item Nos. 2, 3, 4 and 5 of the oral report of the Planning Commission meeting of April 29, 2009. The motion carried by a 4-0 vote.

4. PUBLIC HEARINGS**4.1 ADMINISTRATIVE HEARING ON THE APPEAL OF POLICE PERMIT SUSPENSION FOR CITRYST RESTAURANT LOCATED AT 15440 BROOKHURST STREET. (805-06)**

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Diep to continue this item to the regular City Council/Redevelopment Agency meeting of Wednesday, May 27, 2009 at 7:00 p.m. The motion carried by a 4-0 vote.

- 4.2 CASE NO. 2008-52 - REVIEW OF A CONDITIONAL USE PERMIT (CUP) WHICH GRANTED THE ON-SALE SERVICE OF ALCOHOL (BEER AND WINE) ASSOCIATED WITH THE CITRYST RESTAURANT LOCATED AT 15440 BROOKHURST STREET. APPLICANT: MS. MY-DUNG (AMANDA) NGUYEN. (201-00)(CN 2007-14)**

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Ta to continue this item to the regular City Council/Redevelopment Agency meeting of Wednesday, May 27, 2009 at 7:00 p.m. The motion carried by a 4-0 vote.

- 4.3 CASE NO. 2009-14. ZONING TEXT AMENDMENT (ZTA) TO ALLOW LIMITED ENTERTAINMENT IN CONJUNCTION WITH A RESTAURANT, BAR, LOUNGE, CLUB, COFFEE SHOP OR ANY OTHER SIMILAR ESTABLISHMENT WITHOUT A CONDITIONAL USE PERMIT (CUP) SUBJECT TO DEVELOPMENT AND PERFORMANCE STANDARDS. (201-00)(CN 2009-14)**

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Fry to continue this item to the regular City Council/Redevelopment Agency meeting of Wednesday, June 10, 2009 at 7:00 p.m. The motion carried by a 4-0 vote.

- 4.4 CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CASE NO. 2008-29, A SITE PLAN, DESIGN REVIEW AND VARIANCE REQUEST TO ALLOW A STORAGE ROOM ADDITION AT AN EXISTING FOOD MARKET (SAIGON CITY MARKETPLACE) TO ENCROACH 4.5 FEET INTO THE 25-FOOT REAR YARD SETBACK AT 15471 BROOKHURST STREET (ASSESSOR'S PARCEL NUMBER 143-051-29). APPELLANT: MR. JAYCE YENSON OF SAIGON CITY MARKETPLACE; APPLICANT: MR. LAM NGUYEN, PROPERTY OWNER'S REPRESENTATIVE; PROPERTY OWNER: CJQ MANAGEMENT COMPANY, LLC. (201-00)(CN 2008-29)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4229 entitled "A Resolution of the Mayor and City Council of the City of Westminster Upholding the Planning Commission's Decision to Deny Case No. 2008-29 Pertaining to a Site Plan, Design Review and Variance Request to Allow a Storage Room Addition to Encroach 4.5 Feet into the 25-Foot Rear Yard Setback at 15471 Brookhurst Street (Saigon City Marketplace).

Doug McIsaac, Community Development Director gave a PowerPoint presentation in regards to the item.

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

Lam Nguyen, Fountain Valley resident, spoke in favor of this item. He displayed a plan of the storage on the overhead projector.

Jayce Yenson, speaking on behalf of Saigon City Marketplace, spoke in favor of the item. He displayed photographs of the storage room and the alley behind Saigon Marketplace. He requested that the Mayor and City Council approve the addition.

MAYOR RICE ASKED IF ANY PERSONS WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, Westminster resident spoke in opposition to the item. He informed the Mayor and City Council that CVS Pharmacy has a similar storage structure behind their building next door and inquired as to whether or not they have a permit. He expressed his concerns about the Orange County Fire Authority and why they didn't discover the illegal structure. He also expressed his concerns about public safety and fire access at this property.

IN REBUTTAL:

Lam Nguyen spoke in rebuttal to Darrell Nolta's comments. He informed the Mayor and City Council that the storage behind Saigon City Marketplace was not built by the present owner; it was built by Ralphs over twenty years ago. He also stated that the structure behind CVS Pharmacy was built by CVS Pharmacy.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Doug McIsaac, Community Development Director stated that if the item were to be approved tonight, the storage would be removed from behind Saigon City Marketplace, but he explained that the storage behind CVS Pharmacy may have been grandfathered in.

Vicki Morgan, Code Enforcement Manager informed Council that she spoke with Fire Division Chief Jose Valbuena and he stated that in 1963 there were smaller fire engines and different fire codes that would have allowed sufficient space for the engines with the storage in the alley.

Fire Division Chief Jose Valbuena stated that there is ample room for the engines to fit through the alley because they are 14 feet wide, but would not be able to deploy the equipment if there were to be a fire.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Fry to overturn the Planning Commission's Decision to Deny Case No. 2008-29 Pertaining to a Site Plan, Design Review and Variance Request to Allow a Storage Room Addition to Encroach 4.5 Feet into the 25-Foot Rear Yard Setback at 15471 Brookhurst Street (Saigon City Marketplace).

The motion carried by a 4-0 vote.

The City Attorney stated that staff will bring back a Resolution on May 27th to reflect the Council's decision to overturn the Planning Commission's decision to deny the variance.

4.5 SECOND SUBSTANTIAL AMENDMENT OF FY 2008 CONSOLIDATED ANNUAL ACTION PLAN TO ADD HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP). (109-00)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Accept Homelessness Prevention and Rapid Re-Housing funds in the amount of \$511,454;
- 2) Approve Second Substantial Amendment to FY 2008 Consolidated Annual Action Plan, Option #1 as proposed by staff; and
- 3) Authorize the City Manager to execute and submit the Substantial Amendment to the U.S. Department of Housing and Urban Development (HUD) by May 18, 2009.

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 stated that he is not required legally to fill out the request to speak form. He informed the Mayor and City Council that he supports the initiative, but he expressed his concerns and spoke in opposition to the way the staff report is written. He inquired as to what the demand is for this program in the City; who will be choosing the 49 individuals to receive the funds; and what the best way is to allocate the resources.

THERE BEING NO FURTHER SPEAKERS, MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Pro Tem Ta stated that this federal assistance will help some of the residents of Westminster.

Kathy Johnston, Housing Coordinator stated that the City decided to focus on rental assistance, which will allow the tenants to remain in their apartments. These tenants must apply and meet the eligibility requirements. She informed the Council that the Housing Department will be working closely with this program and the City is liable for funds.

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

- 1) Accept Homelessness Prevention and Rapid Re-Housing funds in the amount of \$511,454;
- 2) Approve Second Substantial Amendment to FY 2008 Consolidated Annual Action Plan, Option #1 as proposed by staff; and
- 3) Authorize the City Manager to execute and submit the Substantial Amendment to the U.S. Department of Housing and Urban Development (HUD) by May 18, 2009.

The motion carried by a 4-0 vote.

4.6 PROPOSAL TO AMEND THE EMERGENCY WATER MANAGEMENT PROGRAM ORDINANCE, CHAPTER 13.14, OF THE WESTMINSTER MUNICIPAL CODE. (610-02)

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2449 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster to Amend Chapter 13.14 (Emergency Water Management Program) to Water Conservation and Water Supply Shortage Program of the Westminster Municipal Code", and waive further reading.

Marwan Youssef, Director of Public Works/City Engineer gave a brief PowerPoint presentation on the proposed Emergency Water Management Program ordinance.

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

Lee Lieberg, Westminster resident spoke in favor of the proposed Ordinance.

MAYOR RICE ASKED IF ANY PERSONS WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, Westminster resident spoke in opposition to the proposed Ordinance. He does not agree with the enforcement of the Ordinance and the fines proposed for the violations. He stated that he does support the purpose of the Ordinance and conservation of water.

THERE BEING NO FURTHER SPEAKERS, MAYOR RICE CLOSED THE PUBLIC HEARING.

Scott Miller, Water Superintendent spoke in regards to the misdemeanor language within the proposed Ordinance and informed the Council that it is Municipal Water District of Orange County's (MWDOC) recommended wording.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Diep to introduce Ordinance No. 2449 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster to Amend Chapter 13.14 (Emergency Water Management Program) to Water Conservation and Water Supply Shortage Program of the Westminster Municipal Code", and waive further reading.

The motion carried by the following vote:

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

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Diep wished the Mayor and City Council good luck at the ICSC (International Conference of Shopping Centers).

Mayor Pro Tem Ta spoke in regards to a workshop (Human Trafficking) that was organized by the Westminster Police Department that he attended. He also stated that he attended the Police Memorial ceremony before the Council Meeting and will be going to Camp Pendleton with B.J. Savage.

Mayor Rice spoke in regards to the memorial ceremony being held this evening.

5.2 AB 1234 Reports

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 **Review of the Planning Commission's Action to Approve Case No. 2009-22, a Design Review Request to Allow a Skirted Pole Sign for a Previously Approved Pre-Owned Automobile, Truck, and Recreational Vehicle Sales, Leasing and Rental Facility to be located at 7185 and 7191 Westminster Boulevard (Assessor's Parcel Numbers 096-084-15 & 27); Applicant: Mr. Charles Ponti; Property Owner: Westminster Redevelopment Agency. (201-00)(CN 2009-22)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4230 entitled "A Resolution of the Mayor and City Council of the City of Westminster overturning the Planning Commission's decision to approve Case No. 2009-22 pertaining to a Design Review request to allow a skirted pole sign for a previously approved pre-owned automobile, truck, and recreational vehicle sales, leasing, and rental facility to be located at 7185 and 7191 Westminster Boulevard."

Mayor Rice informed the City Council that she would like to pull this item from the agenda. She stated that she requested that the item be reviewed, but said that her concerns have been resolved after seeing the plans of the new signs.

Charles Ponti, Westminster resident spoke in regards to the item and informed the Mayor and City Council that they are moving forward with the project.

Mayor Rice inquired as to why the City sold a piece of property without a sewage hook up.

Chet Simmons, Economic Development Specialist referred to the stipulation within the Disposition Development Agreement that states that the applicant will install the sewer laterals, and by doing so, the cost will be deducted from the actual sale price of the property.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Fry to receive and file. The motion carried by a 4-0 vote.

6.2 Purchase Order for Police Department Software Upgrades with Cyrun Corporation. (502-03)

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

- 1) Authorize a CIP budget transfer in the amount of \$26,000 from the Police Services Contractual Other to Capital Improvement Projects - Dispatch Remodel;
- 2) Authorize a CIP budget transfer in the amount of \$34,000 from Police Services Equipment & Maintenance to Capital Improvements Projects Dispatch Remodel; and
- 3) Authorize a purchase order to Cyrun Corporation, a sole source vendor, for police mobile data terminal upgrades in an amount not to exceed \$60,000.

The motion carried by a 4-0 vote.

6.3 Authorization to Request Funds from Supervisor Janet Nguyen for Senior Outdoor Exercise Equipment. (105-11)(09)

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

- 1) Approve funding from the Orange County Board of Supervisors in the amount of \$45,000 for outdoor exercise equipment to be placed in the vicinity of the Senior Center and the Civic Center Campus; and
- 2) Authorize an increase in the Park Dedication Capital Project Account.

The motion carried by a 4-0 vote.

6.4 Change Order with Ortiz Asphalt Paving, Inc. and Notice of Completion for Street Improvements Project on Magnolia Street from Edinger Avenue to I-405; Trask Avenue from Beach Boulevard to Newland Street; and Goldenwest Street from Bolsa Avenue to Hazard Avenue - Project Number AHRP 06-07. (502-15)

Council discussion ensued relative to concerns in the amount of the change order and whether it is justified.

Marwan Youssef, Director of Public Works stated that the work has been performed and completed.

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

- 1) Approve a budget transfer in the amount of \$81,765.27 from the Street Improvement Project Contingency Account to the Magnolia Street Improve-Edinger to I-405 (AHRP) Account;

- 2) Authorize an increase of \$94,577.27 to Purchase Order No. 5580 with Ortiz Asphalt Paving; and
- 3) 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 4-0 vote.

6.5 (Agency) Agreement Between the Westminster Redevelopment Agency and Thao Thi Le for the Acquisition of Real Property at 14452 Chestnut Street. (502-12)

Motion was made by Agency Member Diep, and seconded by Vice Chair Ta to authorize the purchase of real property at 14452 Chestnut Street in the amount of \$2,000,000, and authorize the Executive Director to execute the Agreement for Acquisition of Real Property on behalf of the Agency. The motion carried by a 4-0 vote.

7. WRITTEN COMMUNICATIONS (Public)

- 7.1 Request from Westminster Relay for Life to "paint the town purple" on Wednesday, May 27, 2009. The request is that a purple ribbon be tied on each tree in the Civic Center and on the east and west side of All American Way, including the light towers in front of the Rose Center. The Relay for Life Westminster would also like to display large luminaria with lanterns outside of the Council Chamber doors to allow everyone who attends the May 27th Council Meeting to enjoy and to bring attention to the Westminster Relay for Life Event to be held at the City Hall Sunken Gardens on August 8 and 9, 2009. (103-09)**

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Diep to approve the request from Westminster Relay for Life to "paint the town purple" on Wednesday, May 27, 2009. The motion carried by a 4-0 vote.

The Mayor and City Council requested that the decorations be taken down immediately after "paint the town purple" day.

8. LEGISLATIVE ITEMS - None.

9. COMMISSION AND COMMITTEE ITEMS

Items were moved forward on the agenda. (See pages 5-6)

- 10. COUNCIL/AGENCY ADJOURNMENT:** At 9:57 p.m., Mayor/Agency Chair Rice adjourned the meeting.



Amanda Jensen, Assistant City Clerk/
Acting Agency Secretary