

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

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF REGULAR MEETING

WESTMINSTER, CALIFORNIA
May 27, 2009

The City Council/Agency Board of the City of the Westminster, California convened on May 27, 2009 at 7:10 p.m. in Regular Meeting in the Council Chambers, 8200 Westminster Boulevard, Westminster, California.

7:00 P.M.

CALL TO ORDER: 7:10 p.m.

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: The City Attorney stated that there was no Closed Session.

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. 4.1 Administrative Hearing on the Appeal of Police Permit Suspension for Citryst Restaurant located at 15440 Brookhurst Street. (Continued from the May 13, 2009 Meeting)
- 2) Item No. 4.2 Case No. 2008-52 Review of 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. (Continued from the May 13, 2009 Meeting)

A letter dated May 27, 2009 was received from Bart Kasperowicz, Counsel for Citryst Restaurant requesting that Item No.'s 4.1 and 4.2 be pulled from the agenda.

- 3) Item No. 6.1 Final Updated Allocation of FY 2009 Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds for FY 2009 Consolidated Annual Action Plan

A revised Attachment No. 2 to the staff report received in the City Clerk's office on May 27, 2009 from Kathy Johnston, Housing Supervisor reflecting the inclusion of "Interval House" to the list of funded public service organizations. This was an inadvertent omission from the original attachment; however there are no proposed changes to the final funding allocation of \$15,000 for Interval House.

1. ORAL COMMUNICATIONS

Dale Bradberry, Westminster resident spoke in regards to the budget. He also spoke in regards to the \$18 million paid to consultants in the last seventeen months.

Gary Burton, Westminster resident spoke in regards to the current water rates and asked when the rates will be reduced.

Mai T. Nguyen, spoke on behalf of The Hearts of Charity Foundation and requested that the Mayor and City Council support their special event permit for a Motorcycle Ride on August 15, 2009, which is on the current agenda for consideration.

John Parker spoke on behalf of local businesses located in Anaheim, Garden Grove, Fountain Valley and Westminster who are sponsoring a Walkathon for Humanitarian Aid which will be held on Sunday, June 14, 2009. He requested the support of the Mayor and City Council and requested that the City allow half of a traffic lane be used for this event.

Mayor Rice informed Mr. Parker that there are certain procedures to be followed for such a request and that the Council is unable to take action on an item that is not on the agenda.

SPECIAL PRESENTATIONS:

A. **Statement of Support for the National Guard and Reserve to be presented to Tatyana Alvarez of the Southern California Committee, Employer Support of the Guard and Reserve (ESGR),**

Kristina Miller, Employer Support of the Guard and Reserve gave a brief presentation to the Mayor and City Council about their organization.

The Mayor and City Council presented Kristina Miller a Statement of Support for the National Guard and Reserve.

Ms. Miller presented the Seven Seals Award to the Mayor and City Council.

Linh Ngyuen, on behalf of the Westminster Chamber of Commerce and Greg Johnson on behalf of the Community Services Department presented Statements of Support to Kristina Miller.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to bring forward Item No.'s 4.1 and 4.2 on the agenda at this time. The motion carried by a 5-0 vote.

4.1 ADMINISTRATIVE HEARING ON THE APPEAL OF POLICE PERMIT SUSPENSION FOR CITRYST RESTAURANT LOCATED AT 15440 BROOKHURST STREET. (Continued from the May 13, 2009 Meeting) (805-06)

RECOMMENDATION: Staff recommends that the Mayor and City Council deny the appeal of the Police Permit Suspension for Citryst Restaurant located at 15440 Brookhurst Street.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to pull Item No. 4.1 off the agenda from consideration. The motion carried by a 5-0 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. (Continued from the May 13, 2009 meeting). (201-00)(CN 2008-52)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4231 entitled "A Resolution of the Mayor and City Council of the City of Westminster Amending The Conditional Use Permit (Case No. 2008-52) Requiring A Staff Report to the Planning Commission Regarding the Establishment's Compliance With the Conditions of Approval Six Months From May 27, 2009 at 15440 Brookhurst Street In An Established Commercial Center (Assessor's Parcel Number 108-553-25)."

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to pull Item No. 4.2 off of the agenda from consideration. The motion carried by a 5-0 vote.

2. CONSENT CALENDAR

APPROVAL OF MINUTES

2.1 (City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of April 22, 2009.

ACTION: Approved.

ROUTINE MATTERS

2.2 Agreement with the County of Orange Flood Control District for Construction, Operation, and Maintenance of a Storm Drain Facility along Hazard Avenue from Beach Boulevard to Hoover Street. (502-15)

ACTION: The Mayor and City Council:

- 1) Approved the subject agreement and authorized the City Manager to execute the agreement on behalf of the City; and
- 2) Authorized the City Clerk to record the subject agreement with the County Recorder's Office.

2.3 Race Conscious (RC) Disadvantaged Business Enterprise (DBE) Program Goals for Federal Projects Awarded from June 2, 2009 to September 30, 2010. (502-03)

ACTION: The Mayor and City Council:

- 1) Adopted the RC DBE Program Goals of 12% (3% Race Neutral; 9% Race Conscious) for federally-funded projects awarded between June 2, 2009 to September 30, 2010; and
- 2) Approved the DBE Program Implementation Agreement for the City of Westminster and authorized the City Manager to execute the agreement on behalf of the City.

2.4 Purchase of 800MHz Dispatch Radio Consoles. (106-00)(09)

ACTION: The Mayor and City Council authorized a purchase order to the Orange County Sheriff's Department Communications Division in the amount of \$57,165 for the purchase of four Motorola Gold Elite 800MHz dispatch radio consoles.

2.5 Rejection of Bids for Replacement of Two Gas/Electric HVAC Package Units at City Hall Building. (603-02)

ACTION: The Mayor and City Council rejected all bids received.

2.6 Cooperative Agreement No. C-9-0428 between the City of Westminster and Orange County Transportation Authority for Go Local Bus/Shuttle Service Planning. (502-15)

ACTION: The Mayor and City Council approved Cooperative Agreement No. C-9-0428 with the Orange County Transportation Authority and authorized the Mayor to execute the agreement on behalf of the City.

2.7 Authorization to Solicit Bids for the Demolition of City-owned property at 6312 California Street. (402-03)

ACTION: The Mayor and City Council authorized staff to solicit bids for demolition of City-owned property at 6312 California Street.

2.8 Covenant and Agreement to Hold Property as One Parcel for 8201 and 8211 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 Support of Assembly Bill 715 (Caballero) Relative to the Publishing and Posting Requirements for City Ordinances. (117-02)(09)

ACTION: The Mayor and City Council supports AB 715 and authorized the City Clerk to send letters of support to the State Legislators.

ORDINANCES (SECOND READING)/RESOLUTIONS

2.10 (Second Reading) Ordinance No. 2449 - 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. (610-02)

ACTION: The Mayor and City Council adopted Ordinance No. 2449 and waived further reading.

2.11 Resolution No. 4240 - 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. (This Resolution was adopted at the February 11, 2009 meeting as Resolution No. 4215. As two resolutions were inadvertently assigned Resolution No. 4215, this resolution has been reassigned a new number in order to clarify the administrative record). (105-07) & (805-10)

ACTION: The Mayor and City Council clarified for the administrative record the reassigned Resolution No. 4240.

(This Resolution was adopted at the February 11, 2009 meeting as Resolution No. 4215. As two resolutions were inadvertently assigned Resolution No. 4215, this resolution has been reassigned a new number in order to clarify the administrative record).

- 2.12 Resolution No. 4236 - A Resolution of the Mayor and City Council of the City of Westminster Approving 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). (201-00)(CN 2008-29)**

ACTION: The Mayor and City Council adopted Resolution No. 4236.

ADMINISTRATIVE ITEMS

- 2.13 Special Event Permit application from the Hearts of Charity Foundation to hold a HCF Motorcycle Ride on Saturday, August 15, 2009 between the hours of 7:00 a.m. and 3:00 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)(HE)**

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

- 2.14 Special Event Permit application from The Westminster Mall to hold a Simon dTour Live event on Friday, July 24, 2009 between the hours of 1:00 p.m. and 7:00 p.m. The event will take place in the parking lot at the Westminster Mall, 1025 Westminster Mall. Applicant estimates the attendance will be 1,500 people. (213-02)(WE)**

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

WARRANT REGISTER

- 2.15 (City Council/Redevelopment Agency) Warrant Register dated May 6, 2009 through May 19, 2009. (105-09)(09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 2.16 Minutes of the Youth Committee meeting held on March 11, 2009. (104-17)(09)**

ACTION: Received and filed.

- 2.17 Minutes of the Community Services & Recreation Commission meeting held on January 21, 2009. (104-05)(09)**

ACTION: Received and filed.

2.18 Minutes of the Cultural Arts Commission meeting held on February 5, 2009 and March 5, 2009. (104-06)(09)

ACTION: Received and filed.

2.19 Minutes of the Planning Commission meeting held on April 29, 2009. (104-11)(09)

ACTION: Received and filed.

2.20 Community Development Department Monthly Activity Report - April 2009. (216-01)(09)

ACTION: Received and filed.

2.21 Minutes of the Energy Committee meeting held on May 6, 2009. (104-07)(09)

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

3.1 The actions of the Planning Commission meeting held on May 20, 2009.

The Planning Manager reviewed the actions of the Planning Commission meeting held on May 20, 2009.

- 1) Case No. 2008-75 Site Plan, Tentative Parcel Map, and Variance involving the conversion of two existing rental units to condominiums at 14072-14074 Ash Street.

Planning Commission Action: Approved 5-0. Appeal period ends June 5, 2009.

- 2) Case No. 2008-91 Amendment to an existing CUP to authorize the off-sale of beer, wine, and distilled spirits in conjunction with an established grocery market (My Thuan Market) at 8900 Westminster Boulevard.

Planning Commission Action: Approved 5-0. Appeal period ends June 5, 2009.

- 3) Case No. 2009-10 CUP to allow the issuance of an ABC Type 47 License for on-sale and consumption of distilled spirits in conjunction with an established banquet facility/restaurant (Le Royal Restaurant).

Planning Commission Action: Approved 5-0. Appeal period ends June 5, 2009.

- 4) Proposed Capital Improvement Projects for Fiscal Year 2009/2010. In accordance with the applicable provisions of the State Government Code, the Planning Commission is to review the proposed Capital Improvement Projects included in the 2009/10 proposed City budget and determine if the proposed projects are consistent with the City's General Plan.

Planning Commission Action: Determined the CIP is consistent with the general plan 5-0.

- 5) Case No. 2008-85 Design Review for the construction of a roof-mounted wireless communication facility to be screened within two faux chimneys located at 5082 Westminster Boulevard.

Planning Commission Action: Approved 5-0. Appeal period ends June 5, 2009.

- 6) Case No. 2009-06 Design Review to construct a 23-foot high pylon sign, with 96 square feet of sign area on a 1.92 acre site, developed with an existing medical office building located at 14501 Magnolia Street.

Planning Commission Action: Item postponed 5-0 to June 3, 2009 meeting.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to receive and file the oral report of the Planning Commission meeting of May 20, 2009. The motion carried by a 5-0 vote.

4. PUBLIC HEARINGS

4.3 PROPOSED THIRD SUBSTANTIAL AMENDMENT TO THE FY 2008 CONSOLIDATED ANNUAL ACTION PLAN TO ADD A STREET INFRASTRUCTURE IMPROVEMENT PROJECT FUNDED BY THE COMMUNITY DEVELOPMENT BLOCK GRANT-R (CDBG-R) PROGRAM UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. (109-00)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Accept the allocation of CDBG-R funds in the amount of \$334,509;

- 2) Approve the Third Substantial Amendment to the FY 2008 Consolidated Annual Action Plan; and
- 3) Authorize the City Manager to execute all documents to enable the submittal of the application to the U.S. Department of Housing and Urban Development (HUD) by June 5, 2009.

Council Member Diep left the dais.

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

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

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

- 1) Accept the allocation of CDBG-R funds in the amount of \$334,509;
- 2) Approve the Third Substantial Amendment to the FY 2008 Consolidated Annual Action Plan; and
- 3) Authorize the City Manager to execute all documents to enable the submittal of the application to the U.S. Department of Housing and Urban Development (HUD) by June 5, 2009.

The motion carried by a 4-0 vote. (Diep absent)

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Fry spoke in regards to a letter received from a long time resident who expressed concerns of the increased insurance rates for individuals who live in a flood zone.

Mayor Pro Tem Ta said that he visited Camp Pendleton with B.J. Savage. The Marines presented a canteen to the Council of Westminster. Mayor Pro Tem Ta asked if he could keep the canteen for himself. He also thanked staff for their hard work at the ICSC Conference and congratulated Mayor Rice and Senator Lou Correa for giving outstanding speeches at the Memorial Day Ceremony & Dedication at Westminster Memorial Park.

Mayor Rice spoke in regards to the Memorial Day Ceremony that she attended and stated that it was the largest attended in the past fourteen years.

5.2 AB 1234 Reports

Mayor Rice stated that she attended the ICSC Conference in Las Vegas from May 17 through May 20, 2009 along with Mayor Pro Tem Ta, Council Member Fry, Council Member Quach and City Manager and staff. She stated that they met with multiple business owners to try and get new businesses into the City to generate new revenue.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Final Updated Allocation of FY 2009 Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds for FY 2009 Consolidated Annual Action Plan. (109-01)(09)

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

- 1) Approve the staff recommended allocations of the updated additional FY 2009 CDBG funds in the amount of \$1,242,761 and HOME funds in the amount of \$561,938 as described in Attachment No. 2 to the Staff Report, contingent upon the successful completion of the environmental process; and
- 2) Authorize the City Manager to execute all documents to enable the application to be submitted to the U.S. Department of Housing and Urban Development (HUD).

The motion carried by a 5-0 vote.

6.2 Purchase Agreement for 800/700 MHz Interoperable Portable Radio Packages from the Department of Homeland Security Urban Area Security Initiative (UASI) Public Safety Interoperable Communications Grant (PSIC). (502-19)

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

- 1) Approve a revenue increase to the fiscal year 2008-09 budget for the Department of Homeland Security Urban Area Security Initiative (UASI) Public Safety Interoperable Communications Grant (PSIC) in the amount of \$97,238.71;
- 2) Approve an increase to the fiscal year 2008-09 adopted budget to increase the Police Services budget - Office Furniture and Equipment in the amount of \$97,238.71; and

- 3) Authorize an agreement with the Santa Ana Police Department for the purchase of thirty (30) Motorola ASTRO Digital XTS 5000, 800/700 MHz interoperable portable radio packages under the Department of Homeland Security Urban Area Security Initiative (UASI) Public Safety Interoperable Communications Grant (PSIC) in an amount not to exceed \$121,543.38, and authorize the Chief of Police to execute the agreement on behalf of the City.

The motion carried by a 5-0 vote.

6.3 Amendment No. 2 to Professional Engineering Design Services Agreement with W. G. Zimmerman Engineering, Inc. to provide additional engineering services. (502-23)

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

- 1) Approve a revenue increase for the reimbursement from the County of Orange in the amount of \$70,560;
- 2) Authorize an increase to the EPA Water Quality Storm Drain Improvements Capital Project in the amount of \$70,560; and
- 3) Approve Amendment No. 2 to the professional engineering design services agreement with W. G. Zimmerman Engineering, Inc. in an amount not to exceed \$70,560 to be reimbursed by the County for performing work on their behalf.

The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) - None.

8. LEGISLATIVE ITEMS

8.1 (First Reading) Ordinance No. 2448 - Amendment to Westminster Municipal Code Excepting the City Clerk from the Classified Service. (110-04)

Motion was made by Council Member Diep, and seconded by Mayor Pro Tem Ta to introduce Ordinance No. 2448 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Amending Chapter 2.68 (Personnel System) of the Westminster Municipal Code Excepting the City Clerk from the Classified Service", and waive further reading.

Mayor Rice requested that Eddie Manfro, Director of Human Resources/Risk Management explain why the position of City Clerk is being excepted from the Classified Service.

Mr. Manfro responded by saying that the recommendation is to except the City Clerk's position from the Municipal Code provisions of the Classified Service which would make it an "At-Will" position.

The motion carried by the following vote:

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

8.2 (Second Reading) Ordinance No. 2447 - Amending Westminster Municipal Code Relative to Forty Minute Parking Restrictions. (608-02)

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Ta to adopt 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, QUACH, DIEP
NOES: NONE
ABSENT: NONE

8.3 Resolution No. 4239 - A Resolution of the Mayor and City Council of the City of Westminster Establishing the Sum of Bond Required of Specified City Employees. (105-13)

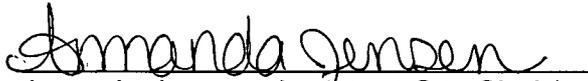
Motion was made by Council Member Diep, and seconded by Mayor Pro Tem Ta to adopt Resolution No. 4239 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Establishing the Sum of Bond Required of Specified City Employees."

The motion carried by the following vote:

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

9. COMMISSION AND COMMITTEE ITEMS - None.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:09 p.m., Mayor/Agency Chair Rice adjourned the meeting in memory of Pastor Charlie Wilkins, former City Manager, Bob Huntley, and former Traffic Commissioner Reginald Crozier.


Amanda Jensen, Assistant City Clerk/
Acting Agency Secretary