

"Approved by the City Council/Redevelopment Agency Board on October 28, 2009"

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

**WESTMINSTER, CALIFORNIA
October 14, 2009**

The City Council/Agency Board of the City of the Westminster, California convened on October 14, 2009 at 7:00 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**7:00 P.M.
CLOSED SESSION**

CALL TO ORDER: 6:33 p.m.

ROLL CALL

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

CLOSED SESSION ORAL COMMUNICATIONS

Darrell Nolta, Westminster resident, spoke in regards to the Police Chief recruitment process and urged the City Council to select from one of the Police Captains currently employed by the City of Westminster.

CLOSED SESSION

- 1) Pursuant to Government Code Section 54957: Public Employee Recruitment: Police Chief

RECESS: At 7:05 p.m., Mayor Rice recessed the meeting held in the Council Conference Room.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting reconvened at 7:10 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 - None.

1. SPECIAL PRESENTATIONS

- A) Presentation of Proclamation - "Fire Prevention Week" (October 3 - 10, 2009) (115-00)(09)

The Mayor and City Council presented the Proclamation to Chief Jose Valbuena with the Orange County Fire Authority.

- B) Presentation of Proclamation - National Hispanic Heritage Month (September 15 - October 15, 2009) (115-00)(09)

The Mayor and City Council presented the Proclamation to Gloria Reyes with Abrazar, Inc.

2. ORAL COMMUNICATIONS

Richard Harlow, Westminster resident, spoke in regards to the Green Lantern Mobile Home Park. He submitted a letter and petition to the Mayor and City Council. (116-01)(09)

Judy Ahrens, Westminster resident, expressed her concerns in regards to SB 572 (Harvey Milk Day).

Darrell A. Nolta, Westminster resident, spoke in regards to an article in the Orange County Register on the Orange County Fire Authority helicopters. He also spoke on Item 3.10 (Water Rate Resolution), Item 3.12 (Special Event for a Memorial Ceremony for President Ngo Dinh Diem), and what he feels is a public safety issue with Citryst and Westcoast Seafood restaurants. He expressed his concerns with Item 6.1 (Brookhurst Street Improvements) and referred to his accident involving a fire hydrant.

3. CONSENT CALENDAR

APPROVAL OF MINUTES

- 3.1 (Council/Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency meeting of September 9, 2009.

ACTION: Approved.

ROUTINE MATTERS

- 3.2 Proclamation declaring October 2009 as "Toastmasters' Month" in the City of Westminster. (115-000)(09)

ACTION: Approved

3.3 Claims against the City (119-02)

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

- a. Allstate Insurance as subrogee for Duc Manh Huynh in an unknown amount
- b. Duc Manh Huynh in an unknown amount
- c. Johnny Phan in an unknown amount
- d. Linda Brill in the amount of \$50.00
- e. Richard Kenneth Laird in the amount of \$5,000.00
- f. Betty Vajda in the amount of \$604.51
- g. Nghi Le in an unknown amount

(ITEM REMOVED AND HEARD SEPARATELY)

3.4. Purchase of Forensic Computer Equipment for use in the Orange County Regional Computer Forensic Laboratory. (502-06)

Council Member Fry expressed his concerns of having the equipment in the Orange County Regional Forensic Laboratory in Santa Ana and not in the City of Westminster.

Captain Ron Coopman responded by saying that even though the property will be located in Santa Ana, it will be the property of the City of Westminster and that Westminster personnel would be the only people using the equipment.

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

- A) Approve a revenue increase to the Fiscal Year 2009-10 budget in the amount of \$11,690.61; and
- B) Approve an increase to the Fiscal Year 2009-10 adopted budget to increase the Police Services budget - Special Department Expense in the amount of \$3,635.50 and Machinery & Equipment for \$8,055.11; and
- C) Authorize a purchase agreement with Marketware Technologies and the Federal Bureau of Investigation (FBI) for purchase of forensic computer equipment to be used by the Orange County Regional Forensic Laboratory in an amount not to exceed \$11,690.61.

The motion carried by the following vote:

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

3.5 Authorization for a Contract Change Order for the Traffic Management Center Expansion Project. (502-08)

ACTION: The Mayor and City Council authorized a change order in the amount of \$20,126.23 to Hana Tech Construction for additional installations and equipment.

3.6 Authorization for Additional Equipment Change Order needed for the Westminster Intelligent Transportation System (ITS) Phase 2 Project. (502-09)

ACTION: The Mayor and City Council authorized a change order in the amount of \$58,694.55 to Iteris, Inc. for additional ITS equipment.

3.7 Award of Contract for Street Improvements Project at Various Locations - Project No. CDBG-R. (502-08)

ACTION: The Mayor and City Council approved the award of contract to the low qualified and responsive bidder in the amount of \$289,800.00 to Hardy and Harper to cover the bid amount plus 5% contingency, and that all other bids be rejected; and that the City Manager be authorized to execute the contract on behalf of the City.

3.8 Addition of Hearing Officer Services to Parking Citation Agreement. (502-16)

ACTION: The Mayor and City Council:

- 1) Approved the addition of hearing officer services to the current parking citation agreement with Phoenix Group Information Systems for Fiscal Year 2009-10; and
- 2) Authorized an increase of \$4,000 to Purchase Order No. 6605 with Phoenix Group Information Systems for hearing officers services; and
- 3) Authorized the Chief of Police to execute the contract addendum on behalf of the City.

3.9 Acceptance of Easement Deed for 9291 McClure Avenue. (604-07)

ACTION: The Mayor and City Council accepted the Easement Deed for the subject property, and authorized the City Clerk to record the deed with the County Recorder's Office.

(ITEM REMOVED AND HEARD SEPARATELY)**3.10 Adoption of Resolution No. 4265 Amending Resolution No. 4259. (610-13)**

Council Member Quach explained that he pulled the item because he wanted to be consistent with his past actions in regards to this matter.

Marwan Youssef, Director of Public Works, explained the correction in the Resolution was to illustrate that the Fire Flow Service was being brought back at the same rate as in the past. He ensured there was no rate increase because of this change.

Council discussion ensued in regards to the new water rates and the Metropolitan Water District.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Fry to adopt Resolution No. 4265 entitled, "A Resolution of the Mayor and City Council of the City of Westminster, Amending Resolution No. 4259 Governing Water Rates and Charges for Water Service"

The motion carried by the following vote:

AYES: RICE, TA, FRY
NOES: QUACH
ABSTAIN: DIEP

3.11 Approval of the Proposition 1A Securitization Program. (502-03)

ACTION: The Mayor and City Council adopted Resolution No. 4266 entitled, "A Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the City's Proposition 1A Receivable from the State; and direction and authorizing certain other actions in connection therewith."

3.12 Special Event Permit application from the South Vietnamese Marines Association to hold a Memorial Ceremony for President Ngo Dinh Diem on Saturday, October 31, 2009 between the hours of 2:00 p.m. and 9:00 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)(SO)

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

ORDINANCES (SECOND READING)/RESOLUTIONS

3.13 Second Reading of Ordinance No. 2457 - An Ordinance of the Mayor and City Council of the City of Westminster Amending Section 17.46.040(P) of Title 17 (Land Use Ordinance) of the Westminster Municipal Code which reduces the amount of parking spaces required for retail food and beverage service businesses offering twelve or fewer seats. (202-01)

ACTION: The Mayor and City Council adopted Ordinance No. 2457 and waived further reading.

WARRANT REGISTER

3.14 (Council/Agency) Warrant Register dated September 8, 2009 through October 6, 2009. (105-09)(09)

ACTION: Approved.

REPORTS

3.15 Treasurer's Report - July 2009 and August 2009 (105-08)(09)

ACTION: Received and filed.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Diep to approve the Consent Calendar with the exception of Item's 3.4 and 3.10 which were removed for separate consideration.

The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

4. PUBLIC HEARINGS

4.1 Review of Case No. 2008-62 (GPA): A City initiated General Plan Amendment (GPA) to add a new Goal and Policy regarding the opportunity to develop residential uses mixed with commercial uses within areas designated for commercial use. (201-00 CN 2008-62 & 204-02 GP)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4264 entitled: "A Resolution of the Mayor and City Council of the City of Westminster Adopting a Mitigated Negative Declaration and to add a New Goal and Policy Regarding the Opportunity to Develop Residential Uses Mixed with Commercial Uses within Areas Designated for Commercial Use."

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

Darrell A. Nolta, Westminster resident, spoke in favor of the proposed Resolution. He expressed that every city in the State of California needs to increase its housing, because the rent will most likely decrease if there are more places to live.

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

Judy Ahrens, Westminster resident, spoke in opposition of the proposed General Plan Amendment. She expressed her concerns of the safety of the children in the neighborhoods that would be affected by mixed use developments.

IN REBUTTAL:

Darrell A. Nolta, Westminster resident, spoke in rebuttal. He stated that despite the safety factors, families still need a place to live.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Pro Tem Ta stated that he understands Mrs. Ahrens' concerns, but feels that the City needs to accommodate the growing population with more housing opportunities.

Council Member Fry spoke in favor of the item, because he feels it will help the residents and merchants that will occupy these mixed use buildings.

Mayor Rice supports this item, but expressed her concerns of the upkeep of the buildings.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Ta adopt Resolution No. 4264 entitled: "A Resolution of the Mayor and City Council of the City of Westminster Adopting a Mitigated Negative Declaration and to add a New Goal and Policy Regarding the Opportunity to Develop Residential Uses Mixed with Commercial Uses within Areas Designated for Commercial Use."

The motion carried by the following vote:

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

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**5.1 Council/Agency Member Items**

Mayor Pro Tem Ta invited the Community to the Founder's Day celebration that will be held October 23 - 25, 2009.

Mayor Rice urged everyone to attend the 2nd Annual Founder's Day parade and celebration at Sigler Park. She also spoke in regards to the Green Lantern Mobile Home Park.

Dick Jones, City Attorney, spoke in regards to Green Lantern Mobile Home Park and informed the tenants that the City of Westminster will help protect their personal interest.

5.2 AB 1234 Reports - None.**6. REGULAR BUSINESS****6.1 Award of Contract for Street Improvement Project for Brookhurst Street from Hazard Avenue to Bolsa Avenue - Federal Aid Project No. ESPL 5338 (041). (502-18)**

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Diep to approve the award of contract to the low qualified and responsive bidder in the amount of \$961,206.80 to R.J. Noble Company to cover the low bid amount plus 5% contingency, and that all other bids be rejected; and that the City Manager be authorized to execute the contract on behalf of the City. The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) - None.**8. LEGISLATIVE ITEMS****8.1 Ordinance No. 2458 An Ordinance of the Mayor and City Council of the City of Westminster, Repealing and Replacing Chapter 5.50 and Adding Chapter 5.51 to Title 5 of the Westminster Municipal Code, Relating to Alarm Systems. (805-08 & 805-10)**

Council Member Diep asked Lieutenant Al Panela for clarification on the false alarm penalties and what the percentage is of multiple false alarms for businesses in the City.

Lieutenant Al Panela responded that there is a frequent occurrence of false alarms City-wide and that the information on the most frequent false alarms can be obtained.

Lieutenant Panella further explained the proposed implementation and reporting process of the new Alarm Systems Ordinance.

Motion was made by Mayor Pro Tem Ta, and seconded by Mayor Rice to:

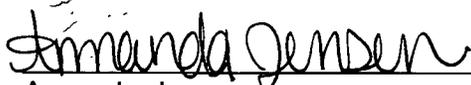
- 1) Approve Ordinance No. 2458 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster, Repealing and Replacing Chapter 5.50 and Adding Chapter 5.51 to Title 5 (Business Taxes, Licenses and Regulations) of the Westminster Municipal Code, Relating to Alarm Systems", and waive further reading; and
- 2) Adopt Resolution No. 4262 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Amending Resolution No. 4012 Establishing an Alarm System Permit Fee"; and
- 3) Adopt Resolution No. 4263 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Establishing Alarm System Ordinance Violation Penalty Amounts."

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 8:30 p.m., the Mayor/Agency Chair Rice adjourned the meeting in memory of Kevin Telles.



Amanda Jensen
Assistant City Clerk/Agency Secretary