

*Agenda has been amended to reflect a correction to match the title on the staff report Item No. 6.5

TRI TA
Mayor

CHI CHARLIE NGUYEN
Vice Mayor

TAI DO
Council Member

CARLOS MANZO
Council Member, District 2

KIMBERLY HO
Council Member, District 3



AMENDED AGENDA

**CITY COUNCIL/SUCCESSOR AGENCY TO THE
WESTMINSTER REDEVELOPMENT AGENCY**

REGULAR MEETING

NOVEMBER 10, 2021

CLOSED SESSION - 5:00 p.m. | OPEN SESSION - 7:00 p.m.

Public Access Via Teleconference/Web Conference Only
8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683

In an effort to protect public health and prevent the spread of coronavirus (COVID-19), the City of Westminster encourages the public to view this City Council meeting on television or online. The Council Chambers will be closed to adhere to guidelines for practicing safe social distancing and within the guidelines for gatherings.

If you need special assistance to participate in this meeting, including interpretation, please contact the City Clerk's office at (714) 548-3237. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

Documents provided to a majority of the City Council regarding any item on this agenda are available for public inspection on the City's website at www.westminster-ca.gov.

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**SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19) AND
ATTENDANCE AT PUBLIC MEETINGS**

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On September 17, 2021, Governor Newsom signed AB 361 related to the Brown Act and remote meetings during the state of emergency. AB 361 allows local agencies to continue to conduct remote or “Zoom” meetings during a declared State of Emergency. The City Council adopted Resolution No. 5067 on September 22, 2021, determining as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. The City Council shall make this determination every 30 days. Pursuant to AB 361, please be advised that some or all of the Westminster City Council Members will participate in meetings via teleconference/web conference.

MEETINGS

Regular meetings of the City Council are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. The agenda and supporting documentation are available for public review no later than 72 hours prior to the meeting. The agenda can be accessed on the City's web site at www.westminster-ca.gov. Live video streaming of regular meetings and an archive of agendas and minutes are also available on the City's website. Visit https://westminsterca.granicus.com/ViewPublisher.php?view_id=2 to subscribe to agenda notifications.

ATTENDANCE AND PARTICIPATION BY THE PUBLIC

IN AN EFFORT TO PROTECT PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19, IN LIEU OF ATTENDING THE MEETING, MEMBERS OF THE PUBLIC MAY VIEW THE MEETING LIVE IN ONE OF THE FOLLOWING WAYS:

- [City of Westminster YouTube Channel](#)
- [City of Westminster Streaming Video Online](#)
- Westminster WTV: Spectrum Channel 3, Frontier FiOS Channel 42, and AT&T U-Verse Channel 99
- Zoom (see instructions on next page)

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To view the meeting via Zoom, please visit: <https://us02web.zoom.us/j/85166071859>

- Or iPhone one-tap :
 - US: +16699009128,,85166071859# or +13462487799,,85166071859#
- Or Telephone:
 - Dial(for higher quality, dial a number based on your current location):
 - US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592
 - Webinar ID: 851 6607 1859
- International numbers available: <https://us02web.zoom.us/j/85166071859>

MEMBERS OF THE PUBLIC WHO WISH TO ADDRESS THE CITY COUNCIL MAY SUBMIT COMMENTS IN WRITING UP TO 24 HOURS PRIOR TO THE MEETING:

- E-mail your comments to eComments@westminster-ca.gov.
- Comments received via e-mail will be provided to the City Council and be reflected in the minutes, and will be read in full or in summary during Oral Communications or Public Hearings (if applicable).
- Profanity, obscenity, or discriminatory language will not be read.
- Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information (i.e. phone numbers, addresses, etc.) that you do not want to be published.

IN LIEU OF WRITTEN COMMENTS, MEMBERS OF THE PUBLIC WHO WISH TO VERBALLY ADDRESS THE CITY COUNCIL DURING ORAL COMMUNICATIONS MAY SPEAK VIA ZOOM IN ONE OF TWO WAYS:

- **TO REQUEST TO SPEAK IN ADVANCE:**
 - E-mail your request to speak at the meeting along with your name to eComments@westminster-ca.gov.
 - Make sure you are logged into Zoom prior to the start of Oral Communications or Public Hearings (if applicable).
 - Those who request to speak in advance will be called first and in the order in which the requests were received by the City Clerk's Office.
 - When your name is called, the City Clerk will enable your microphone and you must press the "unmute" button to unmute yourself. If calling from a telephone or cell phone, press *6 on your dial pad to mute and unmute.
 - Please state your name and city of residence for the record.
 - Your microphone will be muted if you begin to use profane, obscene, or discriminatory language.

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• **TO SPEAK WITHOUT AN ADVANCED REQUEST:**

- Speakers who have already submitted an e-Comment (see previous page) will not be permitted to speak during Oral Communications or Public Hearings (if applicable).
- Speakers must attend the Council meeting via Zoom in order to speak to the Council.
- The City Clerk will announce the start of Oral Communications or comments for the Public Hearing item and ask speakers to press the “Raise Your Hand” button.
- When your name is called, the City Clerk will enable your microphone and you must press the “unmute” button to unmute yourself. If calling from a telephone or cell phone, press *6 on your dial pad to mute and unmute.
- Please state your name and city of residence for the record.
- Your microphone will be muted if you begin to use profane, obscene, or discriminatory language.

Except as specifically provided by law for closed sessions, all meetings of the City Council Agency shall be open and public. Agendas for the City Council meetings provide the public an opportunity to directly address the City Council on items of interest to the public that are within the subject matter jurisdiction of the City Council on any agenda items. NO action may be taken on items not listed on the agenda unless authorized by law.

WEBSITE/TELEVISED MEETING SCHEDULE

Regular City Council meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday at 5:00 p.m., Wednesday at 7:00 p.m., Friday at 7:00 a.m. and Sunday at 8:30 a.m. The City's website (www.westminster-ca.gov) provides information about viewing live and archived City Council meetings. If you have internet access, you can follow the meeting live with a video stream on your computer. You will also have access to an archive of recent City Council meeting agendas, videos and minutes.

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5:00 P.M.
CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL PRIOR TO ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL: TA, NGUYEN, DO, HO, MANZO

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council will recess to a Closed Session for the following purpose:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(2): Potential Litigation (two cases).
- 2) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: Title: City Attorney.

RECESS:

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7:00 P.M.

RECONVENE CITY COUNCIL/SUCCESSOR AGENCY TO THE WESTMINSTER REDEVELOPMENT AGENCY MEETING:

CALL TO ORDER:

ROLL CALL: TA, NGUYEN, DO, HO, MANZO

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Manzo

INVOCATION:

CITY ATTORNEY/CLOSED SESSION REPORT

EX PARTE COMMUNICATIONS

CITY CLERK REPORT

A) COVID-19 Updates.

CITY MANAGER REPORT

1. SPECIAL PRESENTATIONS

2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL REGARDING ANY ITEMS ON THE AGENDA OR NON-AGENDA ITEMS THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION. UNLESS OTHERWISE EXTENDED BY A MAJORITY VOTE OF THE CITY COUNCIL, COMMENTS SHALL BE LIMITED TO FIVE (5) MINUTES PER SPEAKER.

PLEASE SEE PAGES 2-3 FOR INSTRUCTIONS ON HOW TO SPEAK VIA ZOOM OR HOW TO SUBMIT YOUR COMMENTS TO BE READ DURING ORAL COMMUNICATIONS.

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3. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND MAY BE APPROVED BY A SINGLE MOTION FOLLOWED BY A ROLL CALL VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL OR STAFF REQUEST THAT SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

MINUTES

- 3.1 **(City Council/Successor Agency) Minutes of the Regular Meeting of the Westminster City Council/Successor Agency/Housing Authority to the Westminster Redevelopment Agency on October 27, 2021.** (Lucie Colombo)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 3.2 **Award of Contract for the Playground Renovation Project for Margie L. Rice and Westminster Parks - Project No. P-2530.** (Jake Ngo)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- A) Approve the award of contract to the lowest and responsive bidder in the amount of \$424,265.00 to R.E. Schultz Construction, Inc. and that all other bids be rejected;
- B) Authorize a 10% contingency in the amount of \$42,426.50 for potential change orders; and
- C) Authorize the Interim City Manager to execute the contract on behalf of the City.

ORDINANCES

- 3.3 **Second Reading and Adoption of Ordinance No. 2576 Regarding Nepotism Policy for Boards, Commissions, and Committees.** (Lucie Colombo)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2576, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTMINSTER, CALIFORNIA ADDING CHAPTER 2.69 (COMMITTEES/COMMISSIONS GENERALLY) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE WESTMINSTER MUNICIPAL CODE, REGARDING NEPOTISM ON BOARDS, COMMITTEES, AND COMMISSIONS," read by title only and waive further reading.

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3.4 [Second Reading and Adoption of Ordinance No. 2577 to Amend Section 2.04.10 of the Westminster Municipal Code Related to the Time for City Council Meetings.](#) (Lucie Colombo)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2577 entitled, "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER TO AMEND SECTION 2.04.010 OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE WESTMINSTER MUNICIPAL CODE, RELATING TO THE TIME FOR CITY COUNCIL MEETINGS," read by title only and waive further reading.

ADMINISTRATIVE ACTIONS

3.5 [Acceptance of the Grant Award from the Office of Traffic Safety \(OTS\) Selective Traffic Enforcement Program \(STEP\) in Fiscal Year 2021-22.](#) (Chief Darin Lenyi)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- A) Accept the Grant Award from the Office of Traffic Safety (OTS) Selective Traffic Enforcement Program for Fiscal Year 2021-2022; and
- B) Amend the Fiscal Year 2021-22 Adopted Budget by designating grant revenues in the amount of \$107,000 and increasing budgeted expenditures of the OTS grant account in the amount of \$107,000 towards the Police overtime account, training account, and supplies.

3.6 [Acceptance of Grant Funds from Charitable Ventures for Fiscal Year 2021-22.](#) (Diana Dobbert)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- A) Accept supplemental funding from Charitable Ventures for Fiscal Year 2021-22; and
- B) Amend the Fiscal Year 2021-22 Adopted Budget by designating grant revenues in the amount of \$10,545 and increasing budgeted expenditures for the Family Resource Center grant account in the amount of \$10,545 toward emergency assistance to families in our community.

WARRANT REGISTER

3.7 (City Council/Successor Agency) [Warrant Register dated October 21, 2021 through November 3, 2021.](#) (Erin Backs)

RECOMMENDATION: Receive and file.

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REPORTS

3.8 [Update on Review of City Policies.](#) (Christine Cordon)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

4. PUBLIC HEARINGS

DUE TO COVID-19 RESTRICTIONS, CHANGES HAVE BEEN MADE TO THE PUBLIC HEARING PROCESS IN ORDER TO ENSURE MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY.

MEMBERS OF THE PUBLIC WHO WISH TO ADDRESS THE CITY COUNCIL MAY SUBMIT COMMENTS IN WRITING UP TO 24 HOURS PRIOR TO THE MEETING:

- E-mail your comments to eComments@westminster-ca.gov.
- Speakers dialing in must make an advance request to speak in order for the City Clerk to identify the speaker and phone number.

IN LIEU OF WRITTEN COMMENTS, MEMBERS OF THE PUBLIC WHO WISH TO VERBALLY ADDRESS THE CITY COUNCIL DURING THE PUBLIC HEARING MAY SPEAK VIA ZOOM IN ONE OF TWO WAYS:

- **TO REQUEST TO SPEAK IN ADVANCE:**
 - E-mail your request to speak at the meeting along with your name to eComments@westminster-ca.gov.
- **TO SPEAK WITHOUT AN ADVANCED REQUEST:**
 - The Mayor will open the public hearing and the City Clerk will ask speakers to press the “Raise Your Hand” button.

PLEASE SEE PAGES 2-3 FOR FULL INSTRUCTIONS ON HOW TO SPEAK VIA ZOOM OR HOW TO SUBMIT YOUR COMMENTS TO BE READ DURING THE PUBLIC HEARING. SPEAKERS DURING PUBLIC HEARING COMMENTS WILL EACH HAVE FIVE (5) MINUTES TO SPEAK ON EACH PUBLIC HEARING ITEM.

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4.1 Public Hearing to Receive Input from the Community Regarding the Redistricting Process. (Christine Cordon/Christian L. Bettenhausen)

- Staff Report
- Mayor and City Council Questions for Staff
- Public Comments
- Mayor and Council Member Discussion
- Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- A) Receive the staff report on the redistricting process and permissible criteria to be considered to evaluate district boundaries; and
- B) Conduct a public hearing to receive public input.

5. REGULAR BUSINESS

5.1 Approval of Snack Bar Concession Agreement. (Diana Dobbert)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an agreement between the City of Westminster and Huntington West Little League for use of the snack bar facility located at Buckingham Park and authorize the Interim City Manager to execute the agreement.

5.2 Maintenance Costs for Parcel of Liberty Park. (Jake Ngo)

RECOMMENDATION: Staff recommends that the Mayor and City Council consider the costs and provide direction regarding cost recovery.

5.3 Consideration of Special Event Permit Applications Received from 1) Little Saigon Tet Parade Association, and 2) Little Saigon-Westminster Tet Parade to Hold the Annual Tet Parade on Saturday, February 5, 2022. (Diana Dobbert)

RECOMMENDATION: Staff recommends that the Mayor and City Council consider the applications and provide direction regarding approval or denial of the 2022 Tet Parade organizer.

5.4 Consideration of Project Homekey Program. (Alexa Smittle)

RECOMMENDATION: Staff recommends that the Mayor and City Council consider the program and provide direction regarding a potential project.

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5.5 Request to Discuss Comments Made by Vice Mayor in Media and During Council Meetings. (Christine Cordon)

RECOMMENDATION: Staff recommends that the Mayor and City Council consider the request to discuss the comments and provide direction regarding censure.

6. LEGISLATIVE ITEMS

6.1 Resolution Reaffirming Proclamation No. 2020-01 and Resolution No. 4983, Which Declared the Existence of a Local Emergency. (Christine Cordon)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt a Resolution entitled, "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER, REAFFIRMING PROCLAMATION NO. 2020-01 AND RESOLUTION NO. 4983 WHICH DECLARED THE EXISTENCE OF A LOCAL EMERGENCY."

6.2 Resolution to Continue Authorizing the Conduct of Remote "Telephonic" Meetings During the State of Emergency. (Christine Cordon)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt a Resolution entitled, "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO AUTHORIZE THE CONDUCT OF REMOTE "TELEPHONIC" MEETINGS DURING THE STATE OF EMERGENCY."

6.3 Resolution Approving Code of Ethics and Conduct for Elected and Appointed Officials. (Christine Cordon)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt a Resolution entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER ("CITY"), ADOPTING CITY OF WESTMINSTER CODE OF ETHICS AND CONDUCT FOR ELECTED AND APPOINTED OFFICIALS."

6.4 Introduce and Conduct First Reading and Public Official and Employee Interactions Ordinance Amending the Westminster Municipal Code Chapter 2.04. (Christian L. Bettenhausen)

RECOMMENDATION: Staff recommends that the Mayor and City Council to introduce an Ordinance for first reading entitled, "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESMTINSTER ADDING SECTION 2.04.130 (PUBLIC OFFICIAL AND EMPLOYEE INTERACTIONS) TO CHAPTER 2.04 (CITY COUNCIL) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE WESTMINSTER MUNICIPAL CODE, REGARDING PUBLIC OFFICIAL AND EMPLOYEE INTERACTIONS," read by title only and waive further reading.

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6.5 Consider Submitting to the Voters the Question of Whether the Office of Elective Mayor should be Eliminated and the Number of Council Members and Districts Increased from Four to Five. (Lucie Colombo)

RECOMMENDATION: Staff recommends that the Mayor and City Council consider submitting to the voters an ordinance that would eliminate the elective office of mayor and increase the number of council members and district from four to five:

- A) Adopt a Resolution entitled, “A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 7, 2022 AND ORDERING THAT A PROPOSED ORDINANCE BE SUBMITTED TO THE VOTERS OF THE CITY TO ELIMINATE THE OFFICE OF ELECTED MAYOR”;
- B) Adopt a Resolution entitled, “A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 7, 2022 WITH THE STATEWIDE PRIMARY ELECTION”;
- C) Adopt a Resolution entitled, “A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS RELATING TO A MEASURE TO ADOPT AN ORDINANCE TO ELIMINATE THE OFFICE OF ELECTIVE MAYOR AND INCREASE THE NUMBER OF COUNCILMEMBERS AND DISTRICTS FROM FOUR TO FIVE; AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS FOR THE MEASURE”; and
- D) Authorize City staff to proceed with any legally required actions determined to be necessary to prepare an alternate five district map, to be adopted by the City Council in the event the ballot measure is approved by the electorate at the June 7, 2022 election. Such actions shall include, but not be limited to, holding any required public hearings and other actions determined to be necessary so that a five district map can be properly approved and in place so that it applies to the November 8, 2022 city council elections.

7. COMMISSION AND COMMITTEE ITEMS

7.1 Appointment to the Planning Commission for Unscheduled Vacancy (Council Member Kimberly Ho’s Appointee). (Christine Cordon)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint one (1) member (Council Member Ho’s appointee) to serve on the Planning Commission for the remainder of an existing term expiring in November 2022.

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7.2 Consideration of Removal of Planning Commissioner. (Christine Cordon)

RECOMMENDATION: Staff recommends that the Mayor and City Council consider the request to remove Planning Commissioner Weston Seid from the Planning Commission and approve or deny the request.

8. COMMENTS FROM CITY COUNCIL/AGENCY MEMBERS (Including AB 1234 Report when required)

9. COUNCIL ADJOURNMENT

Regular Meeting of November 24, 2021 has been canceled.

Next Regular Meeting will be held Wednesday, December 8, 2021 at 7:00 p.m.

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public; and online, at least 72 hours in advance of the City Council Meeting.

/s/Lucie Colombo, CMC, Interim City Clerk