

"Approved by the City Council/Redevelopment Agency Board on March 2, 2005."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
February 16, 2005

The City Council of the City of Westminster, California convened on February 16, 2005 at 5:30 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

5:30 P.M.
CLOSED SESSION

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, PARIS, FRY, MARSH, QUACH
ABSENT: NONE

URGENT ITEM ADDED TO CLOSED SESSION:

There was a unanimous motion to bring the following item onto the agenda for Closed Session of an urgent nature, which arose subsequent to the posting of the agenda, as follows:

Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case – Hoang Bui).

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 1) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: City Manager Vangie Schock and Labor Negotiator Dave Larsen; Employee Organization: Westminster Municipal Employees Association (WMEA);
- 2) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: Southeast corner of Beach Boulevard and Edinger Avenue; Agency Negotiator: Executive Director Vangie Schock, Assistant Executive Director Don Anderson, and Economic Development Manager Steve Soto; Negotiating Party: Brett Blanchard and Don Robertson; Under Negotiation: Price and Terms of Payment; and
- 3) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Manager.

RECESS: At 6:59 p.m., Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting was reconvened at 7:06 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, PARIS, FRY, MARSH, QUACH
ABSENT: NONE

SALUTE TO FLAG: Council Member Marsh

INVOCATION: Council Member Quach

REPORT OUT OF CLOSED SESSION:

The City Attorney stated that there was nothing to report out of the Closed Session.

SPECIAL PRESENTATIONS:

- A. Phil Anthony, Director, Orange County Water District Board, gave a presentation regarding OCWD's anticipated rate increase and the status of the ground water supply. Kevin Hunt, General Manager of Municipal Water District of Orange County (MWDOC), gave an update on Metropolitan Water District's imported water supply.
- B. Dave Southern from Orange County Human Relations presented their Annual Report. Mr. Southern presented a certificate of recognition to the City of Westminster for its efforts to create a safe and inclusive community.
- C. Hien Nguyen from the Westminster Asian American Senior Center presented a painting to the City by artist, Be Ky.
- D. The Mayor and Council Members presented a commendation to a Westminster youth, Alexander Athougies, for being chosen as a participant in the National Young Leaders Conference in Washington D. C.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of February 2, 2005.**

ACTION: Approved.

ROUTINE MATTERS

- 1.2 **(City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

ACTION: Approved.

- 1.3 **(ITEM REMOVED AND HEARD SEPARATELY)
Award of Contract to Coast Roof Company for the re-roof of the Corporate Yard Office (deferred from the February 2, 2005 meeting) (502-03)**

The Assistant City Manager requested that this item be deferred until later in the meeting to allow time for the Building Official to arrive. There were no objections.

RECOMMENDATION: That the City Council:

- 1) Award a contract to Coast Roof Company in the amount of \$36,958.00 (Account No. 75502-044006) to re-roof the Corporate Yard Office, and authorize the City Manager to execute the contract on behalf of the City; and
 - 2) Authorize a contingency of \$3,695.00 for unforeseen problems related to the project.
- 1.4 **AB-939 Integrated Waste Management Goal Attainment Annual Report – 2003 (609-11)**

ACTION: The City Council received and filed the report.

- 1.5 **(ITEM REMOVED AND HEARD SEPARATELY)
Acceptance of Traffic Safety Mini-Grant, #IN53016, from the State of California Office of Traffic Safety (OTS), California Seat Belt Compliance Campaign May 16, 2005 through June 05, 2005 (109-06)**

Darrell Nolta, resident of Westminster, urged the Council to approve the grant and cited the importance of using seat belts.

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

- 1) Approve the acceptance of the Office of Traffic Safety, California Seat Belt Compliance Campaign grant;

- 2) Increase the overtime budget \$24,964.00 for Office of Traffic Safety Grant funds, consisting of overtime funds for seatbelt enforcement by officers and for the project's first line supervision; and
- 3) Authorize the Chief of Police, or his designee, to complete the process for receipt of OTS funding.

The motion was carried by a 5-0 vote.

(ITEM REMOVED AND HEARD SEPARATELY)

1.6 Amendment to "Concrete and Related Street Repairs at Various Locations" Maintenance/Service Agreement with S. Parker Engineering, Inc. (502-19)

Darrell Nolta, resident of Westminster, said he was in favor of the amendment, but he was curious about the increase in the cost of concrete.

Council Member Marsh said he spoke to Steve Parker, President of S. Parking Engineering and it is true that the cost of concrete has risen.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to approve an amendment to the "Concrete & Related Street Repairs at Various Locations" Maintenance/Service Agreement with S. Parker Engineering, Inc., and authorize the City Manager to execute the agreement amendment. The motion was carried by a 5-0 vote.

1.7 Notice of Completion for Work Performed by All American Asphalt for City Wide CTB -03/04 Project at Various Locations – Project No. 18002-034019 (502-01)

ACTION: The City Council accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.8 (Agency) Third Amendment to Standby Bond Purchase Agreement (Letter of Credit) for the Westminster Redevelopment Agency, Project No. 1, 1997 Tax Allocation Revenue Refunding Bonds (107-01)

ACTION: The Agency Board approved the third amendment to the Standby Bond Purchase Agreement.

(ITEM REMOVED AND HEARD SEPARATELY)

1.9 Increase purchase order amount with Adamson's Industries for the purchase of ballistic protective vests (106-00)

Darrell Nolta, resident of Westminster, said he supported approval of the increase of the purchase order.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Fry, to authorize a \$10,000 increase in the purchase order with Adamson's

Industries for the purchase of ballistic vests for police officers and support staff assigned to field duties. The motion was carried by a 5-0 vote.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.10 Ordinance No. 2379 - An Ordinance of the City Council of the City of Westminster amending the Westminster Municipal Code relating to various commissions and committees (104-00)**

ACTION: The City Council adopted Ordinance No. 2379 and waived further reading.

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.11 Ordinance No. 2380 – An Ordinance of the City Council of the City of Westminster to revise Section 2.68.050 relating to classification of Director of Finance and to add a new Section 2.08.080 relating to appointive duties of the City Manager, to amend Section 2.20.030 regarding the appointment of the Finance Director, all of Title 2 (Administration and Personnel) of the Westminster Municipal Code**

Council Member Marsh expressed his opposition to the change, stating that the City at one time had a problem with its finance director. As a result, the finance director was created to be a position appointed by the Council. He would prefer that the finance director report directly to the Council, to have the Council hire and fire the finance director as has been done in the past, and to assure that there is transparency in government.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Fry, to adopt Ordinance No. 2380 and waived further reading. The motion was carried by the following vote:

AYES: RICE, PARIS, FRY
NOES: MARSH, QUACH
ABSENT: NONE

- 1.12 Resolution No. 3901 - A Resolution of the City Council of the City of Westminster, California, declaring its Intention to Vacate Right-of-Way Related to Parcel Map 2003-197” (604-09)**

ACTION: The City Council adopted Resolution No. 3901 which sets a public hearing for March 2, 2005 for the said vacation of right-of-way pursuant to the provisions of Chapter 3, Section 8320 of the Streets and Highways Code of the State of California, and waived further reading.

WARRANT REGISTER

1.13 (City Council/Redevelopment Agency) Warrant Register dated January 26 through February 8, 2005 (105-09)

ACTION: Approved.

INFORMATION AND REPORTS

1.14 Minutes of the Planning Commission meeting held January 12, 2005 (104-11)

ACTION: Received and filed.

Motion was made by Mayor Pro Tem/Vice Chair Paris, and seconded by Council/Agency Member Quach, to approve the Consent Calendar, with the exception of Item Nos. 1.3, 1.5, 1.6, 1.9 and 1.11, which were removed for separate consideration. The motion was carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

2.1 The actions of the Planning Commission meeting held on February 9, 2005

The Community Development Director reviewed the actions of the Planning Commission meeting of February 9, 2005:

- 1) 6731 Westminster (Case No. 2004-71, Conditional Use Permit), for the on-site sale and consumption of alcoholic beverages at an existing restaurant known as "The Great Wall".
- 2) 7921 10th Street (Case No. 2004-67, Tentative Parcel Map) for converting two recently constructed detached units to a two-unit condominium ownership.
- 3) 16390 Beach Boulevard (Case No. 2004-73, Design Review), for exterior façade changes to Marie Callender's.

Council Member Marsh thanked the Community Development Director for faxing an affidavit to the Council with a statement from the applicant that they had no previous alcoholic violations.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to receive and file the report of the Planning Commission meeting of February 9, 2005. The motion was carried by a 5-0 vote.

3. PUBLIC HEARINGS - None**4. ORAL COMMUNICATIONS**

Darrell Nolta, resident of Westminster, said he appreciated the presentation from the two water districts and he hoped that Council would revisit the City's water rate structure in the future. He also spoke regarding human rights in Vietnam and the West Nile virus.

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

Council Member Marsh congratulated the organizers of the Tet Festival in Garden Grove. He announced that a Scottish Festival will be held this weekend at the Queen Mary.

Mayor Rice commended the Westminster Chamber of Commerce for their Citizen of the Year Award program. She congratulated Mr. and Mrs. Crozier for winning the Citizens of the Year Award, and a number of City employees received awards for public service.

5.2 Resolution No. 3902 – A Resolution of the City Council of the City of Westminster relating to Orange County Victim's Bill of Rights (Mayor Pro Tem Paris) (103-12)

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Quach, to adopt Resolution No. 3902 and waive further reading. The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

5.3 Appointments to Westminster's 50th Anniversary Committee (Mayor Rice) (104-28)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to establish the Westminster 50th Anniversary Committee and nominate B.J. Savage as the Chair of the committee. The motion was carried by a 5-0 vote.

5.4 Reconsideration of the name "Westminster Rose Cultural Center" (Mayor Rice) (702-02)

Motion was made by Mayor Pro Tem Paris, and seconded by Mayor Rice, to drop the word, "Cultural" and rename the new center the "Westminster Rose Center". The motion was carried by a 5-0 vote.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**6.1 Award of Contract to Vance & Associates Roofing for the re-roof of the Community Services Building (deferred from the February 2, 2005 meeting) (502-22)**

RECOMMENDATION: Staff recommends that the City Council:

- 1) Approve a contract with Vance & Associates Roofing in the amount of \$116,900.00 (Account No. 75502-034004) to re-roof the Community Services Building, and authorize the City Manager to execute the contract on behalf of the City and;
- 2) Authorize a transfer of \$41,790.00 from the Government Building Fund (No. 770) balance to Account No. 75502-034004.

The Assistant City Manager informed the Council that the Building Official was going to be at the meeting in 20 minutes so he could respond to Council Member Marsh's questions.

Motion was made by Council Member Fry, and seconded by Council Member Quach, to defer both Item Nos. 1.3 and 6.1 until the next Council meeting. The motion was carried by a 5-0 vote.

6.2 Preparation of the City's 2005 – 2009 Consolidated Plan and allocation of the 2005 Community Development Block Grant (CDBG) and HOME Program funds (109-00)

It was the consensus of the Council to schedule study session on March 23, 2005 at 6:00 p.m. to hear a presentation on the preparation of the City's 2005–2009 CDBG Consolidated Plan as well as presentations from non-profit agencies and City departments applying for the fiscal year 2005-2006 HOME/CDBG funds. The motion was carried by a 5-0 vote.

6.3 Appointment of Members to Mayor's Ad Hoc Zoning Code Update Committee (Mayor Rice) (104-29)

Mayor Rice stated that she did not consider this as the Mayor's committee, but as a Council committee.

In addition to Mayor Rice and Mayor Pro Tem Paris serving on the Committee, appointees of Mayor Rice include: Bob Bertels, Vivian Kirkpatrick-Pilger, Chuck Ponti, Crystal Wadsworth, a member of the Vietnamese Chamber of Commerce Member, and Phil Anthony (alternate member).

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to appoint the following members to the Ad Hoc Zoning Code Update Committee in addition to those members appointed by Mayor Rice:

Council Member Quach	Henry Khuu
Council Member Marsh	Steve Nevarez
Council Member Fry	Mike Turro

The motion was carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Waiver of Rental Fees/Community Services Building (702-06)

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, to approve a request from American Cancer Society for waiver of fees for the use of the Community Services Building East/West Rooms on Tuesday, March 8, 2005 between the hours of 5:30 p.m. and 8:30 p.m. for their 5th Annual American Cancer Society's Relay for Life kick-off. The motion was carried by a 5-0 vote.

7.2 Waiver of Rental Fees/Community Services Building (702-06)

Council Member Quach passed along a request from the PONY League Chair, to move construction materials out of the parking lot. Mayor Rice did not see how that would be possible. Council Member Marsh suggested that a sign be put up telling people to park in a different parking lot.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris, to approve a request from the Westminster PONY Baseball for waiver of fees for the use of the Community Services Building East/West Rooms on Sunday, April 10, 2005 between the hours of 8:00 a.m. and 12:00 noon for their pancake breakfast fundraiser. The motion was carried by a 5-0 vote.

8. LEGISLATIVE ITEMS

8.1 Resolution No. 3903 - A Resolution of the City Council of the City of Westminster 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 of Westminster's vehicle license fee receivable from the state; and directing and authorizing certain other actions in connection therewith (502-03)

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris, to adopt Resolution No. 3903 which authorizes the sale of the City of Westminster's VLF Receivable to California Statewide Communities

Development Authority (CSCDA), and waive further reading. The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
 NOES: NONE
 ABSENT: NONE

8.2 (City Council/Redevelopment Agency) No Fee Waiver Policy for Westminster Rose Cultural Center (702-02 & 103-02)

Council Member Marsh recommended that the word "prohibit" be changed to "prohibits" in Agency Resolution No. 171. There were no objections.

Motion was made by Council/Agency Member Quach, and seconded by Mayor Pro Tem/Vice Chair Paris, to:

- 1) Adopt Resolution No. 171 entitled, "A Resolution of the Westminster Redevelopment Agency establishing a "No Fee Waiver" Policy for the Westminster Rose Cultural Center", as amended, and waive further reading; and
- 2) Introduce Ordinance No. 2381 entitled, "An Ordinance of the City Council of the City of Westminster establishing a "No Fee Waiver" Policy for the Westminster Rose Cultural Center", and waive further reading.

The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
 NOES: NONE
 ABSENT: NONE

9. COMMISSION AND COMMITTEE ITEMS

9.1 Appointments to Commissions and Committees (104-00)

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Marsh, to appoint the following Commission and Committee members to a two-year term ending November, 2006:

Community Advisory Group:

Mayor Rice

Matthew Tracy
 Hien Nguyen

Mayor Pro Tem Paris

Crystal Wadsworth
 Theresa Kasprzyk

Council Member Marsh said that, even though there are budget constraints, he would like to know the cost for the longer term warrantee.

Council Member Quach requested information from the consultant, outlining the basis for his recommendation.

The City Attorney recommended that these items be continued until the Building Official can gather the requested information.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to defer this item to a date uncertain. The motion was carried by a 5-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:51 p.m. Mayor/Agency Chair Rice adjourned the meeting.

Janet Mayfield

Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary