

"Approved by the City Council/Redevelopment Agency Board on June 8, 2005."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
May 4, 2005

The City Council of the City of Westminster, California convened on May 4, 2005 at 6:35 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

6:30 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 and requires immediate action, 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 purpose:

Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Manager.

RECESS: At 7:00 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 7:05 p.m. in the Council Chambers.

ROLL CALL

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

SALUTE TO FLAG: Council Member Quach

INVOCATION: Mayor Rice

REPORT OUT OF CLOSED SESSION:

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

SPECIAL PRESENTATIONS:

- A. The Mayor and Council Members presented checks for grad nite events to representatives from Ocean View High School, LaQuinta High School and Westminster High School.
- B. The Mayor and Council Members presented Certificates of Recognition to the following La Quinta High Interethnic Relations Club students: Kimberlyn Luong, Diana Vu, Julie Khuu, and Jennifer Nguyen, for the workshop they presented at the November and March "Walk In My Shoes" Symposium on Intercultural Cooperation. (115-00)
- C. The Mayor and Council Members presented Certificates of Congratulations to the 29th Annual Volunteer Center of Orange County Spirit of Volunteerism Awards recipients: Vince Agor for his work with senior programs and, Hui Ly, Joe Duong Dinh, Candace Bac-Ha Phan and Hoang Vu, all volunteers for the Little Saigon Foundation. (Maxwell Poper, Westminster Police Department volunteer, was not able to attend the meeting.) (115-00)
- D. The Mayor and Council Members presented a proclamation, "Older Americans Month, May, 2005", to Jay Vogelsang, President of the Westminster Senior Foundation. (115-00)

1. CONSENT CALENDAR**APPROVAL OF MINUTES**

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of April 6, 2004.**

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 Proclamation declaring May 15-21, 2005 as "Police Officers Memorial Week" in the City of Westminster (115-00)**

ACTION: Approved.

- 1.4 Acceptance of Easement Deed for 7861 11th Street (401-05)**

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

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.5 Authorization to Increase Vehicle Fuel Purchase Order for FY 2004/05 and Transfer of \$80,000.00 from the "Equipment Replacement Fund 700" Reserve to Cover Higher Fuel Cost for FY 2004/05 (106-00)**

RECOMMENDATION: Staff recommends that the City Council:

- 1) Approve an increase of \$80,000.00 to Purchase Order No. 681 to Petro Diamond, Inc. for Gasoline and Diesel Fuel; and
- 2) Transfer \$15,159.00 from the "Equipment Replacement Fund 700" Budget Contingency Reserve, to Fleet Maintenance Account 58000-44000; and
- 3) Transfer \$64,841.00 from the "Equipment Replacement Fund 700", Emergency Reserve, to Fleet Maintenance Account 58000-44000

Council Member Quach questioned the amount of \$80,000 for the next few months. The Interim Public Works Director/City Engineer stated that the City also supplies Midway City Sanitary District with their fuel and they reimburse the City.

Council Member Marsh asked how much of the initial allocation was left, to which the Interim Public Works Director/City Engineer answered that he did not know that answer so he would have to investigate and come back with a response. Council Member Marsh also asked the Interim Public Works Director/City Engineer to find out if there was an "underestimate" of the allocation needed.

Mayor Pro Tem Paris and Mayor Rice asked the Interim Public Works Director/City Engineer to bring back a breakdown of what Midway City Sanitary District uses. Mayor Rice also asked for a breakdown of what it costs for the City to pay for cars for certain City employees.

Council Member Marsh said it might be a good idea to consider mileage allotments for employees who drive City vehicles.

Darrell Nolta, resident of Westminster, said that the L.A. Times published a percentage of 29% as the cost increase for gasoline since January of this year.

1.6 Purchase of Vehicle Tires for FY 2004-05 (106-00)

ACTION: The City Council authorized a purchase order for the purchase of vehicle tires from Parkhouse Tire in the amount of \$25,000; and rejected all other bids.

(ITEM REMOVED AND HEARD SEPARATELY)

1.7 Approval of Agreement to provide graffiti removal services for the County of Orange in the unincorporated areas of Midway City (502-15)

Darrell Nolta, resident of Westminster, asked if the graffiti removal service provided to Midway City would impede the clean up in Westminster and asked why this was delayed since last October.

The Interim Public Works Director/City Engineer said the delay was caused by having to meet with the County of Orange a number of times to review the proposed agreement. He did not believe that clean up in Midway City would affect clean up in Westminster.

Discussion ensued regarding the hourly cost (\$42) which will be reimbursed by the County of Orange. Council Member Marsh asked if that was accurate, to which the Interim Public Works Director/City Engineer said that it was.

Motion was made by Council Member Quach, and seconded by Council Member Fry, to approve the agreement to provide graffiti removal services for the County of Orange in the unincorporated area of Midway City and authorize the City Manager to execute the agreement on behalf of the City.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.8 Resolution No. 3915 – A Resolution of the City Council of the City of Westminster opposing AB 991 Mosquito Abatement and Vector Control Districts. (117-02)

ACTION: The City Council adopted Resolution No. 3915 and waived further reading.

ADMINISTRATIVE ITEMS

- 1.9 Special Event Permit application from the Coalition of the Republic of Vietnam Veteran Association to hold a Commemoration Ceremony on the Eve of Armed Forces Day on Saturday, June 18, 2005 between the hours of 5:00 p.m. and 9:00 p.m. The Event will take place at Freedom Park, 14180 All American Way, subject to the attached conditions. The anticipated attendance is 200 people. (213-02)**

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

- 1.10 Special Event Permit application from Coalition of the Republic of Vietnam Veteran Association to hold the Vietnamese Armed Forces Day Event on Sunday, June 19, 2005 between the hours of 9:00 a.m. and 4:00 p.m. The Event will take place in the City Hall parking lot, 8200 Westminster Blvd., subject to the attached conditions. The anticipated attendance is 400 people. (213-02)**

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

WARRANT REGISTER

- 1.11 (City Council/Redevelopment Agency) Warrant Register dated April 13 through April 26, 2005. (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.12 Minutes of the Planning Commission meeting held March 30, 2005 (104-11)**

ACTION: Received and filed.

- 1.13 Minutes of the Planning Commission study session held March 30, 2005 (104-11)**

ACTION: Received and filed.

- 1.14 Community Development Monthly Activity Report – March, 2005 (216-01)**

ACTION: Received and filed.

- 1.15 Minutes of the Traffic Commission meeting held on April 5, 2005 (104-12)**

ACTION: Received and filed.

Motion was made by Mayor Pro Tem/Agency Vice Chair Paris, and seconded by Council/Agency Member Quach, to approve the Consent Calendar, with the exception of Item Nos. 1.5 and 1.7, which were removed for separate consideration. The motion was carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Darrell Nolta, resident of Westminster, offered best wishes to the officer who was injured last week. He commented on the proposed 57 Freeway extension. He announced that the OCTA will hold a hearing on May 17, 2005 in the Westminster Community Services A/B Room from 5-7 p.m. regarding the expansion of the I-405 Freeway.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on April 27, 2005

Council Member Quach recused himself from voting on Item 1 due to a business association he has with the owner of the property at 9251-9261 Bolsa. He left the dais.

The Community Development Director reviewed the actions of the Planning Commission meeting of April 27, 2005:

1. 9251 – 9261 Bolsa (Case 2004-64, Area Variance/Site Plan Review/Design Review) for expansion of an existing commercial building by adding a total of 490 sq. ft. to the first and second story mezzanine with no additional parking. The proposal also includes a complete renovation of the exterior of the building.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Marsh, to receive and file the report of the Planning Commission meeting of April 27, 2005. The motion was carried by a 4-0-1 vote, with Council Member Quach absent.

Council Member Quach returned to the dais.

4. PUBLIC HEARING

- 4.1 **Negative Declaration 2005-01 and Case No. 2005-09 (Code Amendment) to allow wholesale offices as a permitted use in the C1 (Local Business) District; Location: Citywide; Applicant: City of Westminster (201-00)**

Time set for a public hearing to consider Negative Declaration 2005-01 and Case No. 2005-09 (Code Amendment) to allow wholesale offices as a permitted use in the C1 (Local Business) District.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM. SEEING THERE WERE NO PERSONS WISHING TO SPEAK, THE MAYOR CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to approve Negative Declaration 2005-01 and introduce Ordinance No. 2385 entitled, "An Ordinance of the City Council of the City of Westminster, California, amending Section 17.22.010.C of Chapter 17.22 (C1 Local Business District) of the Westminster Municipal Code, pertaining to wholesale business offices", and waive further reading. The motion was carried by the following vote:

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

4.2 2005-2009 Five Year Consolidation Plan and 2005-2006 One Year Action Plan for HOME and Community Development Block Grant (CDBG) Funds (109-00)

The Community Development Director noted that once the draft documents are approved and signed by the City Manager, they can be forwarded to the Los Angeles area HUD office, then the City can spend the allocated CDBG funds.

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

Darrell Nolta, resident of Westminster, stated he was satisfied with most of the CDBG allocations made at the last meeting, but was disappointed that the Huntington Beach Community Clinic did not receive any CDBG funds.

SEEING THERE WERE NO PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM, THE MAYOR CLOSED THE PUBLIC HEARING.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Quach, to approve the attached Five Year 2005-5009 Consolidation Plan and the 2005-2006 One Year Action Plan, and authorize the City Manager to submit the application to the U.S. Department of Housing the Urban Development (HUD) before May 15, 2005.

Council Member Marsh asked that the third and fourth paragraphs on page IV-16 and 17 under the heading, "K. Overcrowding" be stricken because he believes you do not strike a balance between social understanding and the law.

The maker and second of the motion agreed with the amendment proposed by Council Member Marsh. The motion was carried by a 5-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Quach said that the expansion of the I-405 Freeway by OCTA proposes several plans and one of the plans includes removing homes along the freeway. He said he told OCTA that the City of Westminster will aggressively fight any use of eminent domain employed by OCTA of the homes in Westminster.

Council Member Marsh wished all mothers a Happy Mothers Day. He encouraged all those citizens who live near the 405 Freeway to attend the OCTA hearing scheduled for May 17th in the Westminster Community Services Building at 5:00 p.m. in the A/B Rooms. He said he would like it if the room is changed to the East/West Rooms to give them more space.

Mayor Rice requested that an announcement of the OCTA meeting be broadcast on WTV-3. Council Member Marsh suggested that notices of the hearing be distributed by the Mayor and Council Members in the affected neighborhoods.

The Interim Public Works Director/City Engineer said he asked representatives about their notification for this meeting and was told that a hearing notice was placed in the Westminster Herald, a Vietnamese newspaper, and door hangers will be placed on all those homes that might be affected. Council Member Quach requested a list of addresses of the homes that will be affected.

Mayor Rice said she will be out of town this weekend. She reported on the graduation for Project SHUE and was disappointed to hear that the program funding was cut.

5.2 Resolution No. 3916 amending Resolution No. 3815 – A Resolution of the City Council of the City of Westminster amending the reservation policy for attendance by City officials at municipal conferences. (Council Member Quach) (101-04/103-02)

Council Member Quach said he requested that the language in the travel policy be amended to include direction to staff to request government rates when making travel arrangements for the Mayor and Council Members.

Mayor Rice stated she did not want to be booked into a “cheap” hotel. She objected to the language in the recommendation, but not the language in the resolution.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to delete the language of the proposed recommendation, adopt Resolution No. 3916, and waive further reading. The motion was carried by the following vote:

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

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Reorganization of management office by eliminating Assistant City Manager employment classification, creating an Assistant to the City Manager employment classification, and providing a retirement enhancement to facilitate elimination of the employment classification of Assistant City Manager.

Adopt Ordinance No. 2384 – An ordinance of the City Council of the City of Westminster to revise Section 2.68.050 relating to classification of the Assistant to the City Manager as excepted from classified service and adding Section 2.08.080 for the appointment of an Assistant to the City Manager of Title 2 (Administration and Personnel) of the Westminster Municipal Code. (110-04)

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

- 1) Approve the elimination of the position of Assistant City Manager effective July 1, 2005;
- 2) Introduce Ordinance No. 2384 and waive further reading;
- 3) Approve the employment classification, description, and salary range for the position of Assistant to the City Manager, which will be an at-will position; and
- 4) Approve an enhanced retirement benefit for the Assistant City Manager to facilitate the elimination of that employment classification.

The motion was carried by the following vote:

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

6.2 Revised Classification Specification – Director of Community Services (110-04)

Darrell Nolta, resident of Westminster, commented on the proposed salaries for the new positions of Assistant to the City Manager and Director of Community Services.

The City Attorney noted that the amount quoted is the highest maximum amount in a range and it includes calculable benefits.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris, to approve the revised classification specification for Director of Community Services. The motion carried by a 5-0 vote.

6.3 Professional Services Agreement with William Avery & Associates for Executive Recruitment for Community Services Director (502-01)

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

- 1) Approve the appropriation of \$22,400 from the General Fund Budget Contingency balance to Personnel Contractual (14200-43090) and
- 2) Approve the agreement with William Avery & Associates in an amount not to exceed \$22,400 without prior approval of the City Council and to authorize the City Manager to execute the agreement on behalf of the City.

The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Request from the Rose Center Foundation (formerly known as the Friends of the Abbey Centre, Inc.) requesting financial assistance from the City in the amount of \$5,000 for the Mayor's Ball to be held on Saturday, June 25, 2005. (213-04/104-23)

Mayor Rice explained that the request is to approve staff time.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to approve the request from the Rose Center Foundation for \$5,000 for the Mayor's Ball. The motion carried by a 5-0 vote.

8. LEGISLATIVE ITEMS

- 8.1 Ordinance No. 2386 - An Ordinance of the 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 Council meetings. (103-15)**

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Quach, to introduce Ordinance No. 2386 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 Request for Red Curb at 8292 Westminster Boulevard – T.C. 04-105 (608-02)**

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Quach, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3914 entitled, "A Resolution of the City Council of the City of Westminster providing for No Parking or Stopping at 8292 Westminster Boulevard", and waive further reading. The motion was carried by the following vote:

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

- 9.2 Appointments to Commissions and Committees (104-00)**

RECOMMENDATION: Staff recommends that the City Council consider appointments to Commissions and Committees for a two-year term ending November, 2006.

Motion was made by Council Member Quach, and seconded by Mayor Rice, to appoint Jerry Meade as Council Member Quach's regular member on the Commission on Aging. The motion was carried by a 5-0 vote.

Mayor Rice asked for prayers for Sondra Evans who is ill in the hospital.

Council Member Marsh asked that the next regular meeting be adjourned in memory of Nilda Velez, wife of Ralph Velez.

Council Member Quach asked that tonight's meeting be adjourned in memory of Tyler Nguyen, father of Planning Commissioner Linh Nguyen, who passed away.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:51 p.m. Mayor/Agency Chair Rice adjourned the meeting in memory of Tyler Nguyen, to Tuesday, May 17, 2005 at 7:00 p.m. in the Council Chambers for the purpose of holding a study session to discuss City/Agency business.



Janet Mayfield, Acting City Clerk/
Acting Agency Secretary