

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

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
May 18, 2005

The City Council of the City of Westminster, California convened on May 18, 2005 at 6:30 p.m. in a Regular Meeting in the Council Chambers, 8200 Westminster Blvd, Westminster, California.

6:30 P.M.
CLOSED SESSION

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, PARIS (Arrived at 6:50 p.m.), FRY, MARSH, QUACH
ABSENT: NONE

URGENT ITEM ADDED TO CLOSED SESSION:

There was a motion (4-0-1, with Mayor Pro Tem Paris absent) to bring the following item of an urgent nature onto the agenda for Closed Session, 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 purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9; Existing Litigation: Scott Center vs. City of Westminster; and
- 2) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Manager.

RECESS: At 7:05 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 7:10 p.m. in the Council Chambers.

ROLL CALL:

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

SALUTE TO FLAG: Mayor Pro Tem Paris

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. The Mayor and Council Members presented 10-year, 15-year, 20-year, 25-year, 30-year, and 35-year service pins to City employees.

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 20, 2005; and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of April 25, 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)
Increase in purchase order with Orange County Sheriff's Department Communication Division for radio maintenance. (106-00)**

Darrell Nolta, resident of Westminster, opposed approval of the increase in the purchase order because he said it is too costly.

Council Member Marsh asked if the Sheriff's Department is the sole source for radio maintenance and if the increase was caused by a change in activity on the part of the City's police department, or an overcharge on the part of the county. The Police Chief said he will get the information back to the Council, however, he asked the Council to approve the increase tonight.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to authorize a \$10,000 increase in the purchase order with the Orange County Sheriff's Department Communication Division for radio maintenance. The motion was carried by a 5-0 vote.

1.4 Notice of Completion for work performed by GCI Construction for Wyoming Street Storm Drain (502-07)

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.

1.5 Increase to Purchase Order 0863 by \$11,000 for the purchase of replacement water meters and repair parts from Aqua-Metric Sales Company for the remainder of Fiscal Year 2004-2005 (106-00)

ACTION: The City Council approved an increase to the purchase order in the amount of \$11,000 for the purchase of replacement water meters and repair parts from Aqua Metric Sales Company.

1.6 Budget Matching Funds for the Westminster Boulevard Median Project (Phase II) from Edwards Street to Beach Boulevard (109-08)

ACTION: The City Council approved the loan of \$850,000 from the Municipal Lighting District Fund to the Redevelopment Agency for the Westminster Boulevard Median Phase II project - Account No. 18002-044003.

(ITEM REMOVED AND HEARD SEPARATELY)

1.7 Reorganization of the Community Services Department (110-04)

Council Member Marsh said that he pulled this item in order to give the public an opportunity to speak to it. Mayor Rice agreed and she also wanted the City Manager to explain the reorganization of the Community Services Department.

The City Manager stated that no senior services will be cut, but the reorganization adds a department head. The position of Community Services Manager will be changed to Assistant Community Services Director. The current program coordinator, Mary Andrusky will remain in that position and Diana Dobbert, whose title will be Assistant Community Services Director, will oversee the Senior division in addition to the Community Services division. The City Manager stated that there will be no cuts to the service delivery or the programs in the Senior Services division.

Betty Goyne, resident of El Segundo and former Senior Center Director for the City of Westminster, spoke in favor of keeping the Senior Center Manager position in tact and if it is removed she believes it will have a negative impact on the senior program. She said that the number of seniors requiring services has gone from 60 a day to about 369 per day. She said that anyone who oversees the program should be professionally trained in gerontology. She said she was speaking for a number of seniors in the audience who have signed petitions to retain the position of Senior Center Manager. (The petitions are on file in the office of the City Clerk.)

Jane Hannah, resident of Westminster and a gerontology specialist, spoke in favor of retaining the Senior Center Manager position due to health and safety concerns. She said many seniors who come to the Senior Center are frail and use wheelchairs and walkers; she thinks that the Center requires at least two full time staff members.

Bob Crossley, resident of Westminster, said that the City Manager should address the reason for the reorganization: what problem does it solve and what is the metric for measuring whether or not the problem was solved.

The City Manager said she did not want to respond to a personnel issue.

Larry Luera, resident of Westminster, noted the increase of seniors who wish to use the services offered at the Senior Center. He stated that saving money is good, but not if it hurts senior citizens.

Darrell Nolta, resident of Westminster, said he was opposed to the proposed reorganization of the Community Services Department. He said he thinks it is more important to have trained experts, closer to the seniors. He inquired concerning the term "at-will" employees.

Council Member Marsh responded to Mr. Nolta stating that "at-will" employees are those not covered by civil service protection. The City Attorney noted that the issue of "at-will" employees is not before the Council this evening.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to defer this item indefinitely: reorganization of the Community Services Department.

Mayor Rice agreed to the deferral and said she would like to get an answer to Bob Crossley's question and hear more from the City Manager.

Council Member Marsh proposed an alternate reorganization: to remove the position of Director of Community Services and return the position of Senior Center Manager. He said he did not believe it was adequate to have the Assistant Community Services Director be a partial overseer for the Senior Center. He stated he did not want to make any decisions about the structure of the organization based on an individual; that the trend in business is to flatten the

organizational structure; and that his proposal will save between \$35,000 to \$40,000 annually.

Council Member Marsh asked if the motion was to defer to a date certain, to which the maker of the motion, Council Member Quach said no, but to a date uncertain, until staff returns with answers.

The motion was carried by a 5-0 vote.

ORDINANCES (SECOND READING)/RESOLUTIONS

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.8 **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)**

Darrell Nolta, resident of Westminster, said he was opposed to the creation of the “at-will” position of Assistant to the City Manager and other positions that are proposed to change to “at-will” positions, and he believes that the proposed salary proposed for the Assistant to the City Manager is too high. He commented regarding particular employees who no longer work for the City, and he noted that the new position of Assistant to the City Manager was not included in the proposed budget.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Fry, to adopt Ordinance No. 2384 and waive further reading. The motion was carried by the following vote:

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

- 1.9 **Ordinance No. 2385 - 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. (201-00)**

ACTION: The City Council adopted Ordinance No. 2385 and waived further reading.

- 1.10 **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)**

ACTION: The City Council adopted Ordinance No. 2386 and waived further reading.

WARRANT REGISTER

- 1.11 (City Council/Redevelopment Agency) Warrant Register dated April 27 through May 10, 2005. (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.12 Minutes of the of the Planning Commission meeting held April 13, 2005 (104-11)**

ACTION: Received and filed.

- 1.13 Minutes of the Cultural Arts Commission meeting held March 3, 2005 (104-06)**

ACTION: Received and filed.

- 1.14 Minutes of the Commission on Aging meeting held March 14, 2005 (104-03)**

ACTION: Received and filed.

- 1.15 Minutes of the Youth Committee meeting held March 9, 2005 (104-17)**

ACTION: Received and filed.

- 1.16 (City/Agency) Treasurer's Report – March 2005. (105-08)**

ACTION: Received and filed.

Motion was made by Mayor Pro Tem/Agency Vice Chair Paris, and seconded by Council/Agency Member Marsh, to approve the Consent Calendar, with the exception of Item Nos. 1.3, 1.7 and 1.8, which were removed for separate consideration. The motion was carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Philip Hodgetts, resident of Westminster and Mobile Home Commission member, said he will be donating a subscription of Home Power Magazine to the County Library in Westminster. He spoke regarding hydrogen power and the myths surrounding it.

Diana Carey, resident of Westminster, spoke regarding the proposed widening of the I-405 Freeway. She commented on the OCTA meeting held on May 17th and was concerned that the OCTA Board does not have any representation from the City of Westminster. She stated that she has been advised to continue with community action.

Mayor Rice commented on the May 17th OCTA meeting held in the Westminster Community Services Building. She said she did not like the fact that they brought County Sheriff officers to the meeting; she believes it was done to intimidate the residents. She proposed a town hall meeting with the affected residents.

The following persons spoke in opposition to the I-405 Freeway widening:

Rose Marie Goldman
Gerry Roberts
LaVon Plumlee
Les Shepherd

A suggestion was made for the Council to send a protest letter to OCTA.

Council Member Quach suggested that any information on this matter be placed on the City website and to also provide sample protest letters to go to legislators.

It was the consensus of the Council to hold a town hall meeting on this subject on May 31, 2005 in the East/West Rooms of the Community Services Building at 7:00 p.m. Mayor Rice said she would like to see it advertised on WTV-3 and the newspaper.

It was Council Member Marsh's opinion that OCTA held a meeting quietly, and not with the intention of getting any input from the residents, so they can say they had meetings and complied with requirements if they are challenged in court in the future. He said it will be important to submit comments to them in writing because it will then become a part of the administrative record. He recommended contacting state senators, congressmen, assembly members and all representatives in the area because OCTA cares about funding, and if elected officials receive complaints from voters they will respond when it comes to funding.

Council Member Quach requested that staff draft a resolution for the next regular Council meeting opposing the expansion of the I-405 Freeway. There was no objection.

RECESS AND RECONVENE:

At 8:47 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 9:20 p.m.

Mayor Rice said to let the record show that Council Member Fry experienced a fall during the recess and had to leave the meeting.

2. ORAL COMMUNICATIONS (Continued)

Darrell Nolta, resident of Westminster, complained regarding the manner in which the OCTA conducted their May 17th meeting.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None**4. PUBLIC HEARINGS – None****5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS****5.1 Council/Agency Member Items**

Council Member Marsh brought up an item that Council Member Fry wanted to discuss which was an ad by a real estate broker for a house in Westminster that was advertised as two units, however, it is a single family house that was subdivided without permits and is, therefore, a code violation. Council Member Fry requested Code Enforcement and Community Development staff look into this matter.

5.2 Consideration of alternative Council/Agency meeting dates for June, 2005 (Mayor Rice)

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Quach, to change the regular meetings in June, 2005 to the second and fourth Wednesdays of the month. The motion was carried by a 4-0-1 vote, with Council Member Fry absent.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**6.1 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)**

Council Member Marsh thanked the Interim Public Works Director/City Engineer and his staff for gathering the information he requested.

Darrell Nolta, resident of Westminster, commented on the price of gasoline.

Motion was made by Council Member Marsh, and seconded by Mayor Rice, to:

- 1) Approve an increase of \$80,000.00 to Purchase Order No. 681 to Petro Diamond, Inc. for Gasoline and Diesel Fuel;
- 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.

The motion was carried by a 4-0-1 vote, with Council Member Fry absent.

6.2 Contractual Joint Venture Agreement with the County of Orange to provide services for the Family Resource Center for fiscal year 2005-06. (502-15)

Mayor Rice said she heard that the Family Resource Center hired a grant writer and asked the City Manager if she was made aware of that, to which the City Manager said she was not made aware of it. The Mayor said that she was not happy that they did not notify the City Manager or the City Council of their actions.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Quach, to approve the Contractual Joint Venture Agreement with the County of Orange to provide services at the Family Resource Center in the amount of \$225,000.00 for fiscal year 2005-06 and authorize the City Manager to execute the agreement on behalf of the City. The motion was carried by a 4-0-1 vote, with Council Member Fry absent.

7. WRITTEN COMMUNICATIONS (Public) – None

Council Member Marsh requested that the petitions and letters submitted objecting to the removal of the position of the Senior Center Manager under Item 1.7 on the Consent Calendar become part of the administrative record.

8. LEGISLATIVE ITEMS – None

9. COMMISSION AND COMMITTEE ITEMS – None

10. **COUNCIL/AGENCY ADJOURNMENT:** At 9:37 p.m. Mayor/Agency Chair Rice adjourned the meeting in memory of a famous Vietnamese singer, Nhat Truong, to Tuesday, May 31, 2005 at 7:00 p.m. in the East/West Rooms of the Community Services Building for the purpose of holding a town hall meeting to discuss OCTA's proposed widening of the I-405 Freeway.



Janet Mayfield/Assistant City Clerk/
Acting Agency Secretary