

"Approved by the City Council/Redevelopment Agency Board on June 22, 2005."

CITY COUNCIL/REDEVELOPMENT AGENCY WESTMINSTER, CALIFORNIA
MINUTES OF THE ADJOURNED REGULAR MEETING June 8, 2005

The City Council of the City of Westminster, California convened on June 8, 2005 at 6:00 p.m. in an Adjourned Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**6:00 P.M.
CLOSED SESSION**

CALL TO ORDER:

ROLL CALL

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

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 6:55 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 7:00 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, PARIS (Left at 9:38 p.m.), FRY, MARSH, QUACH
ABSENT: NONE

SALUTE TO FLAG: City Attorney

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 recognized recipients of the Golden Torch Awards presented by the Vietnamese American National Gala (VANG) in Washington D. C. on May 2, 2005. The recipients are:

Tony Lam, Government Category
Nguyen Nam Loc, Community Services Category
Kieu Chinh, Arts & Entertainment Category (115-00)
- B. Jennifer Gonzalez, incoming President, presented the Westminster Chamber of Commerce Quarterly Report and Report on Upcoming Events.
- C. In joint recognition with Ed Royce, Sr. from the Municipal Water District of Orange County (MWDOC), the Mayor and City Council presented certificates to the Star View Elementary School students that participated in this year's "Water is Life" Poster/Slogan Contest and their teachers. (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 May 4, 2005; Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of May 17, 2005; Minutes of the Regular Meeting of the City Council/Redevelopment Agency of May 18, 2005; and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of June 1, 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 Award of Contract for the repairs to Sigler Park Community Building (502-01)

ACTION: The City Council:

- 1) Waived the formal bid process; and
- 2) Approved a contract in the amount of \$15,675.33 to Ameristar Restoration, Inc. for repairs to the Sigler Park Community Building, and authorized the City Manager to execute the contract on behalf of the City.

1.4 Notice of Completion for work performed by Schultz Mechanical Contractors, Inc., for Storm Drain Repair at 13462 Barney Street (502-19)

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 Amendment No. 1 to Contractual Services Agreement with W.G. Zimmerman to provide temporary engineering services (502-26)

ACTION: The City Council approved Amendment No. 1 to the contractual professional services agreement with W.G. Zimmerman, Inc., in an amount not to exceed \$20,000.00, extending the contract for a period not to exceed two months.

1.6 Notice of Completion for work performed by Nativ Engineering, Inc. for Median Island Improvements for Bolsa Avenue from Magnolia Street to Ward Street – Project No. 18002-034005 and 18002-044002, Federal Project No. STPLH-5338(029) (502-14)

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.

ORDINANCES (SECOND READING)/RESOLUTIONS

(ITEM REMOVED AND HEARD SEPARATELY)

1.7 Resolution No. 3917 - A Resolution of the City Council of the City of Westminster concerning the Status of the Circulation Element for the City of Westminster (613-07)

Darrell Nolta, resident of Westminster, said he learned that this resolution is forced on the City in order to get Measure M funds. He said although he supports the resolution because the City doesn't have a choice, he is concerned about street racing with the addition of lanes on Brookhurst.

Motion was made by Mayor Pro Tem Paris, and seconded by Mayor Rice, to adopt Resolution No. 3917 and waive further reading. The motion was carried by the following vote:

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

ADMINISTRATIVE ITEMS

- (ITEM REMOVED AND HEARD SEPARATELY)**
- 1.8 **Administrative approval of fee waiver for Orange County Transportation Authority for the use of East/West Rooms to host a public open house for the San Diego (I-405) Freeway Major Investment Study on Tuesday, May 17, 2005 from 3:00 – 7:00 p.m. (702-06)**

Darrell Nolta, resident of Westminster, stated he has registered a complaint with the OCTA about jeopardizing public safety at their May 17th "Open House" meeting held in the East/West Rooms of the Community Services Building. He said the Police Chief should have been advised about the May 17th meeting.

Council Member Marsh said that the City Manager already administratively approved the use of the A/B Rooms initially for OCTA's May 17th meeting. However, he said since OCTA accepted the rooms, they must provide reciprocal rights to use their meeting rooms. He requested that the City Manager contact OCTA, informing them that the City Council anticipates the need for a large conference room in June for a community meeting and we would like them to waive the expense, since they have agreed to the City policy.

Mayor Rice stated that she would vote in favor of this item under protest.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to receive and file the report. The motion was carried by a 5-0 vote.

WARRANT REGISTER

- 1.9 **(City Council/Redevelopment Agency) Warrant Register dated May 11 through May 31, 2005 (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.10 **Community Development Monthly Activity Report – April, 2005 (216-01)**

ACTION: Received and filed.

1.11 Minutes of the Traffic Commission meeting held May 3, 2005 (104-12)

ACTION: Received and filed.

Motion was made by Council/Agency Member Quach, and seconded by Mayor Pro Tem/Agency Vice Chair Paris, to approve the Consent Calendar, with the exception of Item Nos. 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**

Phil Hodgetts, resident of Westminster and Mobile Home Commission member, spoke regarding energy; he said it is not an energy crisis that is going on, but an energy policy crisis, and he said alternative energy sources are needed.

Lloyd Duncan, resident of Westminster, commented on the car chase incident that ended with the death of the suspect several months ago. He requested that the street work on 14th Street be inspected again because of marks left by heavy equipment; he also recommended that the proposed budget be denied and any money that was going to consultants or employees be used for street repairs.

Diana Carey, resident of Westminster, thanked the Mayor for her efforts in arranging the Town Hall meeting of May 31, 2005, which she found to be very productive. She said she and other residents formed a non-profit group called "Save Our Community".

Taylor Roberts, resident of Westminster, said she is still waiting for factual information from OCTA and she is assisting Diana Carey in getting the word out about town hall meetings on the I-405 expansion.

Darrell Nolta, resident of Westminster, spoke in opposition to our country normalizing its relationship with Communist Vietnam and Communist China. He reported that the Orange County Board of Supervisors passed a resolution pertaining to the South Vietnamese flag. He said he is concerned about the search for the missing POWs in Vietnam and he would like to see a policy of "constructive engagement" developed through non-violent protest against the communists in order to achieve human rights.

Jerry Roberts, resident of Westminster, asked about the status of a letter and a resolution to OCTA. He asked if votes in favor of Westminster residents can be secured. Mayor Rice said that is what the Council is working on. He said he is in favor of widening the I-405 without seizing any property.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to move Item Nos. 6.3 and the public hearing 4.1 forward on the agenda due to the fact that Mayor Pro Tem Paris may need to leave the meeting early. The motion was carried by a 5-0 vote.

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

Sherry Swan, resident of Westminster, spoke in opposition to the removal of the Senior Center Manager; she did not agree that an Assistant to the Community Services Director, who has no knowledge of gerontology, to be the overseer of the Senior Center.

The following persons also spoke in opposition to removal of the Senior Center Manager position:

Sylvia Kalian
Vince Agor
Leah Dawson
Darrell Nolta

Mayor Rice said she did not wish to lose any services in the Senior Center, however, she agrees that there is a need for a Director who answers to the City Manager and to the City Council, as there have been problems in the past that were not reported.

The City Manager asked the Personnel Director to describe the proposed organizational structure.

The Personnel Director explained that the Council previously approved the position of the Community Services Director "at-will" and approved the services of a consultant to conduct a recruitment campaign. When the Assistant City Manager leaves, she had been acting as the overseer of the Community Services Department (the Community Services Manager reported to her); now a department head will be needed. The proposal is to revise the Community Services Manager position to the Assistant Community Services Director, with functional responsibility of the Senior Center. The current acting Senior Center Manager, Mary Andrusky, will continue until the new department head is hired, then he or she will determine what positions are necessary in the Senior Center. No existing personnel will be eliminated. The Personnel Director stated that because the two departments are associated, with the retirement of the Assistant City Manager, and replacement with the Assistant to the City Manager, there is a cost savings. Although there will be an increase in Community Services Department, there is an overall salary savings of \$29,065 to the general fund.

Council Member Marsh did not agree with the characterization of a decrease with the change of position of the Assistant City Manager to the Assistant to the City Manager being connected to the proposed restructuring which only concerns the Community Services Department. He said this change to the Community Services Department would be an increase of \$29,000.

Council Member Marsh repeated his suggestion to remove the position of Director of Community Services and return the position of Senior Center Manager. He said that the current Community Services Manager (or Assistant Community Services Director without a Community Services Director) should report directly to the City Manager. The trend in business is to flatten the organizational structure; and his proposal will result in a cost savings. Although Council Member Marsh understands that the City Manager is doing what she thinks is best, he disagrees with this proposal.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to reject the proposed reorganization of the Community Services Department provided by staff and instead modify it so as to eliminate the proposed Community Services Director position and return to the organizational chart, the Senior Center Manager position.

The City Manager stated that she hears in the discussion that there will only be one position at the Senior Center and she said that would not work. She would like to have the Assistant Community Services Director physically and functionally on site in addition to Mary Andrusky, and that is two people. However, she said she needs a department head as each department has. She promised to meet with the seniors 90 days after the Community Services Director is hired and see how the organization is working out. She also stated that the Community Services Director is an "at-will" position and will be accountable to her.

Council Member Quach said he has never received a complaint from the Senior Center since he has been on the Council. He said he would be in favor of deferring this item indefinitely until a new solution is suggested.

Mayor Pro Tem Paris disagreed with Council Member Marsh; he said you cannot run an organization by flattening it, you have to have a person who is responsible in any organization. He agreed with the City Manager's proposal.

Bob Ault, resident of Westminster, said he did not trust the promise of the City Manager without it being put in writing.

Council Member Fry said he believes that the Council lays down general policy, but the City Manager is hired to manage the City; and he does not agree that the Council Members should micro-manage the City. He agreed with the City Manager's proposal.

Council Member Marsh responded that it is elected officials who make changes to the organizational structure and the City Manager only recommends changes.

Phil Anthony, resident of Westminster, said he agreed with the City Manager's proposal.

The motion failed by a 2-3 vote, with Mayor Rice, Mayor Pro Tem Paris and Council Member Fry voting no.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris, to approve the reorganization of the Community Services Department proposed by staff. The motion was carried by a 3-2 vote, with Council Member Marsh and Council Member Quach voting no.

4. PUBLIC HEARINGS

4.1 Adoption and appropriation of the Revised Budget for the 2005-06 Fiscal Year (105-03/114-04)

Time set for a joint public hearing of the Westminster City Council, Redevelopment Agency, and Public Financing Authority on the Proposed Revised City of Westminster Operating Budget and the Capital Improvement Programs for the Fiscal Year 2005-2006; the proposed revised Westminster Redevelopment Agency Operating Budget and Capital Improvements Programs for the Fiscal Year 2005-2006; and the proposed revised Public Financing Authority Operating Budget for the Fiscal Year 2005-2006. In addition to adopting the Revised Fiscal Year 2005-2006 Budget, the City Council will adopt its appropriations limit.

The Finance Director presented an overview of the proposed Budget for Fiscal Year 2005-2006. He reviewed the source and use of funds, and breakdown of the general fund, which includes sales tax, intergovernmental revenues, fines, utility users tax, transfers and business licenses. He reviewed projected revenues and appropriations.

The City Manager acknowledged that during the study session, she received direction from the Mayor and City Council to come back in October with recommendations and suggestions for reductions for next year's budget, which she will be doing.

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

Vivian Kirkpatrick-Pilger, resident of Westminster and Member of the Board of Directors of the Midway City Sanitary District, said that the public did not receive the benefit of the discussion of the proposed budget at the study session meeting.

Darrell Nolta, resident of Westminster, stated he was opposed to the proposed budget; he said he would like to see actuals. He would like to see more done in the area of public safety and he is concerned about future costs related to medical retiree benefits and pensions.

SEEING THERE WERE NO OTHER PERSONS WISHING TO SPEAK, MAYOR RICE CLOSED THE PUBLIC HEARING.

Council Member Fry stated that the state is taking funds that should be going to the cities.

Council Member Marsh agreed with Council Member Fry, however, he noted that this is the third year the state is withholding funds and the expenses have grown while the reserves are shrinking. He said he was pleased that the City Manager will be making reduction recommendations by the end of October for next year's budget.

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

- 1) RESOLUTION NO. 3918 entitled, "A Resolution of the City Council of the City of Westminster adopting and appropriating the revised budget for the 2005-06 fiscal year " and waive further reading;
- 2) RESOLUTION NO. 3919 entitled, "A Resolution of the City Council of the City of Westminster establishing the Article XIII B Appropriations Limit for the 2005-06 fiscal year" and waive further reading.

The motion was carried by the following vote:

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

Motion was made by Finance Authority Vice-Chair Paris, and seconded by Authority Member Quach, to adopt:

- 1) RESOLUTION NO. 25 entitled, "A Resolution of the Westminster Public Financing Authority adopting and appropriating the City of Westminster revised budget for the 2005-06 fiscal year " and waive further reading.

The motion was carried by the following vote:

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

Motion was made by Redevelopment Agency Vice-Chair Paris, and seconded by Agency Member Quach, to adopt:

- 1) RESOLUTION NO. 176 entitled, "A Resolution of the Westminster Redevelopment Agency adopting and appropriating the revised budget for the 2005-06 fiscal year " and waive further reading.

The motion was carried by the following vote:

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

Mayor Pro Tem Paris left the meeting at 9:38 p.m.

RECESS AND RECONVENE:

At 9:38 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 9:50 p.m.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on May 25, 2005

The Community Development Director reviewed the actions of the Planning Commission meeting of May 25, 2005:

- 1) 9030 Bolsa Avenue (Variance, Case No. 2005-13) for legalizing two can signs on an architectural tower element in a commercial center.
- 2) 8144-8155 13 Street (Variance, Case No. 2005-19) for installation of two monument signs.

Council Member Marsh asked if the two can signs on Item No. 1 were consistent with the existing signs on the building, to which the Community Development Director stated that they were consistent.

Motion was made by Council Member Marsh, and seconded by Council Member Fry, to receive and file the report of the May 25, 2005 Planning Commission meeting. The motion was carried by a 4-0 vote

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Fry announced that a student from Westminster, Jeremy Tran, is competing for a scholarship on a television show on ABC called "The Scholar". He requested that the Council invite him to a future Council meeting to

acknowledge that he is on the show. Mayor Rice stated that Jeremy Tran was a member on the Youth Committee.

Council Member Marsh invited everyone to attend the 12 noon ceremony on Flag Day, June 14, 2005, near the flag poles.

Mayor Rice commented on the City's resolution for the Communist-free zone.

5.2 Resolution No. 3923 – A Resolution of the City Council of the City of Westminster opposing eminent domain proceedings for the purpose of the I-405 expansion. (Council Member Quach) (613-09)

Council Member Quach said he did not draft this resolution yet and he requested assistance.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to defer this item to the June 9, 2005 adjourned regular meeting as an urgency item due to time constraints before OCTA's next meeting in June. The motion was carried by a 4-0 vote.

5.3 Review of Westminster Municipal Code Chapter 17.60 – Home Businesses (Mayor Rice)

Mayor Rice requested that this item be deferred to the next regular meeting; she requested a report from staff on this item.

Motion was made by Mayor Rice, and seconded by Council Member Fry, to defer this item to the meeting of June 22, 2005. The motion was carried by a 4-0 vote.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Approval of Purchase Orders for the Contractual Joint Venture Agreement with the County of Orange to provide services for the Family Resource Center for fiscal year 2005-06 (502-06)

Motion was made by Council Member Fry, and seconded by Council Member Quach, to:

- 1) Authorize a purchase order for counseling and case management services to Western Youth Services in the amount of \$35,074.00; and
- 2) Authorize a purchase order for domestic violence, intervention/education and counseling services to Interval House in the amount of \$17,595.00.

The motion was carried by a 4-0 vote.

6.2 Replacement of Air Conditioning Unit for the Community Services Building, East/West Room (502-11)

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

- 1) Approve waiving the formal bid process;
- 2) Approve the transfer of \$30,000.00 from the Government Buildings Fund 770, Budget Contingency Reserve, to Government Buildings Account No. 75500-43090; and
- 3) Approve making a purchase of a new air conditioning unit with the above increase in funds to that account, to be no greater than the bid offered by Koltemp Refrigeration Co., Inc. (from \$34,000.00 to \$64,000.00, as referenced in the agenda), for the removal of a defective 30 ton Trane condensing unit and replacement with a new 30 ton Trane condensing unit, Model No. RAUCC3048, 480 volt, 3-phase; crane out the old unit off the roof and dispose of it, all electrical piping and materials, to complete the project, for no greater than the amount provided by the quote plus the contingency, but with the proviso that staff will make several telephone calls this week to see whether or not this can be obtained for a lower price.

The motion carried by a 4-0 vote.

7. WRITTEN COMMUNICATIONS (Public)**7.1 Waiver of Rental Fees/Community Services Building (702-06)**

Council Member Marsh said he contacted a representative from TASK and requested proof of their tax exempt non-profit status; a fax of the proof was promised but not delivered, so he said he would be willing to approve the request based on receiving the proof from the group.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to approve a request from Team of Advocates for Special Kids (TASK) for waiver of fees for the use of the Community Services Building Craft Room on Saturday, June 18, 2005 from 10:00 a.m. to 12:30 p.m. for a Vietnamese parents' support group meeting, contingent upon receiving from the group proof of their tax exempt and non-profit status by Monday, June 13, 2005. The motion carried by a 4-0 vote.

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

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve a request from Westview Services, Inc., a non-profit agency, for waiver of fees for the use of the A/B Rooms on Tuesday, June 21, 2005 from 5:00 p.m. to 8:00 p.m. for a parenting open house. The motion was carried by a 4-0 vote.

8. LEGISLATIVE ITEMS**8.1 Resolution No. 3920 – A Resolution of the City Council of the City of Westminster providing for a compensation plan for employees represented by the Westminster Police Officers' Association (110-02)**

Motion was made by Council Member Fry, and seconded by Council Member Marsh, to adopt Resolution No. 3920 and waive further reading. The motion was carried by the following vote:

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

8.2 Resolution No. 3921 – A Resolution of the City Council of the City of Westminster providing for a compensation plan for employees represented by the Westminster Municipal Employees' Union Local 1734 (110-02)

Motion was made by Council Member Fry, and seconded by Council Member Quach, to adopt Resolution No. 3921 and waive further reading. The motion was carried by the following vote:

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

8.3 Resolution No. 3922 – A Resolution of the City Council of the City of Westminster amending Resolution No. 3744 providing for a compensation plan for the Management/Administrative/Confidential employees of the City of Westminster by adjusting the salary range for Police Captain's. (110-02)

Motion was made by Council Member Fry, and seconded by Council Member Quach, to adopt Resolution No. 3922 and waive further reading. The motion was carried by the following vote:

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

9. **COMMISSION AND COMMITTEE ITEMS - None**
10. **COUNCIL/AGENCY ADJOURNMENT:** At 10:15 p.m., Mayor/Chair Rice adjourned the meeting in memory of Phu Nguyen, a Westminster high school student, to Thursday, June 9, 2005 at 7:00 p.m. in the Community Services Building (East/West Rooms) for the purpose of discussing Orange County Transportation Authority's (OCTA's) proposed expansion of the I-405.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary